URBAN
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A31
2000

AGENDAS/MINUTES
CITY OF HAMILTON
CITY COUNCIL

SEPT. 5, 2000 ...

URBAN MUNICIPAL

CA4 ON HBL A05
A31
2000

# AGENDA

URBAN MUNICIPAL

SEP 06 2000

GOVERNMENT DOCUMENTS

## CITY OF HAMILTON
## CITY COUNCIL

*(available online at www.city.hamilton.on.ca./hccnet)*

**Tuesday, September 5, 2000**
**(immediately following the Regional Council meeting)**
**Hamilton Convention Centre**
**Chedoke Room**

**Kevin C. Christenson,**
**Acting Municipal Clerk**

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***Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.***

**CALL TO ORDER**

1. **INTRODUCTORY REMARKS – Mayor R. M. Morrow**

2. **ADOPTION OF THE MINUTES OF THE MEETING HELD August 9, 2000**

3. **CORRESPONDENCE**

4. **Motion to invoke Rule 9 of the City's Procedural By-law to permit consideration of matters not reported upon by the respective Standing Committees**

5. **Motion to move into Committee of the Whole to permit consideration of Items A to E and the Report of the Licensing Committee.**

6. **Consideration of recommendations**

   A. **Transport and Environment Committee**
   B. **Parks and Recreation Committee**
   C. **Planning and Development Committee**
   D. **Finance and Administration Committee**
   E. **Private and Confidential Agenda**

7. **Report of the Licensing Committee (Report 05-00)**

8. **Notice of Motion for next meeting**

9. **Hamilton Harbour Issues – Update – Alderman Charters (no copy)**

10. Motion to Adopt the Report of the Committee of the Whole on the resolutions and Reports

11. QUESTION PERIOD

12. ADJOURNMENT

# MINUTES

# MINUTES

## CITY OF HAMILTON
## CITY COUNCIL

**Wednesday, August 9, 2000**
**2:00 p.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

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**Present**: Mayor R. M. Morrow;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, D. Wilson, C. Collins, F. Eisenberger, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

**Regrets:** Alderman G. Copps – civic business
Alderman T. Jackson – civic business

Mayor R. M. Morrow called the meeting to order.

### ADOPTION OF MINUTES

The Minutes of the regular meeting held July 4, 2000 were adopted as circulated.

### CORRESPONDENCE

1. Letter dated July 18, 2000 from Kevin Christenson, Acting Municipal Clerk advising of an objection to City of Hamilton By-law 00-084 respecting property at 130 Bay Street South

   **Received**.

2. Letter dated July 26, 2000 from Kevin Christenson, Acting Municipal Clerk advising of an objection to City of Hamilton By-law 00-097 respecting property at 801 and 803 King Street West and 80, 86 and 90 Carling Street, Hamilton, Ontario

**Received**

3. Letter dated July 26, 2000 from Kevin Christenson, Acting Municipal Clerk advising of an objection to City of Hamilton By-law 00-105 respecting property at 1489 to 1523 Upper James Street, Hamilton, Ontario

**Received**

4. Application dated June 28, 2000 from Janet Lynn MacLennan and Kenneth Robert MacLennan, 148 Rymal Road West, Hamilton for a change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified for the property located at the rear of 148 Rymal Road East, Hamilton, Ontario.

**Received**.

5. Application dated June 30, 2000 from Angelo and Leonarda Palazza and Maryann and Antonio Arolotta, 166 and 158 Stone Church Road West, Hamilton for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 158 and 166 Stone Church Road West, Hamilton, Ontario.

**Received.**

6. Application dated June 30, 2000 from Hi-Tech Banking Facilities Inc., (Nick Cutaia), Ancaster, Ontario for a change in zoning from "A" (Agricultural) District (Block 1) and "C" (Urban Protected Residential, etc.) District (Blocks 2 and 3) to "HH" (Restricted Community Shopping and Commercial) District for lands located south of Strawberry Drive and east of Lake Avenue and known municipally as 917-921 Queenston Road.

**Received**.

7. Application dated July 18, 2000 from Chedoke Health Corporation for a further modification to the "AA" (Agricultural) District Regulations for property at the Southeast corner of Chedmac Drive and Redfern Avenue, Hamilton, Ontario.

**Received.**

8. Letter dated July 26, 2000 from Susan L. Steele, Town Clerk, Town of Dundas respecting "Committee" to Guide "New" Council

**Referred to the Finance and Administration Committee.**

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It was moved by Alderman Kiss and seconded by Alderman Horwath that Council move into Committee of the Whole to permit consideration of the Reports of the Transport and Environment Committee and the Planning and Development Committee with Mayor Morrow in the Chair.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –15.

**NAYS:** -0. **CARRIED.**

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**Re: Rule 3 (d) Waiving Rules for the calling of a special meeting**

It was moved by Alderman D'Amico and seconded by Alderman O'Sullivan that Rule No. 3 (d) of the City Procedural By-law respecting the notice required for calling of a special meeting of City Council, be waived.

**Recorded vote**.

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Anderson, D'Amico, O'Sullivan.– 14.

**NAYS:** -0. **CARRIED.**

## TRANSPORT AND ENVIRONMENT COMMITTEE – REPORT 12-00

**Item 1 Re: Walcorp Inc. – Application for Approval of a Provisional Certificate of Approval for a Waste Disposal Site**

It was moved by Alderman D'Amico and seconded by Alderman O'Sullivan that Section 1 of Report 12-00 of the Transport and Environment Committee be referred back to the next Transport and Environment Committee meeting to be held September 11, 2000 re: Walcorp Inc. Certificate of Approval for 675 Strathearne Avenue. **CARRIED.**

## PLANNING AND DEVELOPMENT COMMITTEE – REPORT 13-00

## RESOLUTIONS

**Re: Negotiate the transfer of city land on Beach Boulevard adjacent to the Beach Rescue Unit**

That staff be directed to negotiate the transfer of City land on Beach Boulevard adjacent to the Beach Rescue Unit to the Beach Rescue Unit to the satisfaction of all parties and in discussion with all parties. **CARRIED.**

* * * * * * * * * * * * * *

**Re: Tattoo Committee**

It was moved by Alderman Wilson and seconded by Alderman Morelli:

(a) That the City of Hamilton supports the Tattoo Committee in its plans and for its future events; and

(b) That the Transition Board be advised of the City's support and encouraged to recommend funding for this event for the year 2000. **CARRIED.**

* * * * * * * * * * * * * *

**Re: Hamilton Harbour Commissioners – Draft Agreement**

It was moved by Alderman Charters and seconded by Alderman Collins:

(a) That the negotiators for the City be authorized to finalize with the negotiators for the Hamilton Harbour Commissioners, a Draft Agreement which addresses the business issues outlined in the letter from M. Philip Tunley of McCarthy Tetrault to Gary Graham of Gowling Lafleur dated July 28, 2000; and,

(b) That this Draft Agreement be presented to City Council for approval on or before October 27, 2000; and,

(c) That in the event that no such Draft Agreement can be finalized and approved by October 27, 2000, legal counsel for the City be authorized to resume proceedings in Action No. 4820/98. **CARRIED.**

* * * * * * * * * * * * * *

**Re: Coach House Restaurant at Dundurn Castle – part-time positions**

It was moved by Alderman Morelli and seconded by Alderman Kiss that the following recommendation be approved:

That permission be granted for the General Manager of Community Services Division, Department of Culture and Recreation to advertise externally to fill two part-time vacant Server positions at the Coach House Restaurant at Dundurn Castle." **CARRIED.**

* * * * * * * * * * * * * *

**Rule 9 Re: Exemption of realty taxes - Ontario Workers Arts and Heritage Centre**

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution to approve a By-law respecting the exemption of the Ontario Workers Arts and Heritage Centre from Realty Taxes. **CARRIED.**

* * * * * * * *

**Re: Exemption of realty taxes - Ontario Workers Arts and Heritage Centre**

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the attached by-law to Authorize the signing of an Agreement with Ontario Workers Arts and Heritage Centre Inc. to operate and manage the Ontario Workers Arts and heritage Centre (the "Facility") located in Hamilton, Ontario and to exempt such municipal capital facility from taxation for municipal and school board purposes, be approved.

**CARRIED.**

* * * * * * * * * * * * * * *

**Rule 9 Re: Beach Boulevard Surplus Properties**

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting Beach Boulevard Surplus Properties.

**CARRIED.**

* * * * * * * * *

**Re: Beach Boulevard Surplus Properties**

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Section 5 of Report 13-00 of the Finance and Administration Committee approved by City Council on June 27, 2000 respecting the Declaration of Surplus Lands – Hamilton Beach (CS00024) (Item 18) be amended to delete the following:

21. 163 Beach Blvd. 25 X 102

**CARRIED.**

* * * * * * * * * * * * * * *

**Rule 9 Re: Funding Source for Gage Park Fieldhouse**

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the funding source of Gage Park – Fieldhouse.

**CARRIED.**

* * * * * * * * *

**Re: Funding Source for Gage Park Fieldhouse**

It was moved by Alderman Wilson and seconded by Alderman Morelli that the following motion respecting a Funding Source for Gage Park - Fieldhouse - be approved:

(a) That as referred to in Section B-5 of the Committee of the Whole report approved by City Council at its meeting held July 4, 2000, that $83,124 of the construction cost of the Gage Park fieldhouse (total cost = $133,124 and $50,000 to be paid by the Friends of Gage Park/Gage Park Baseball Association) be funded from within the approved 2000 Capital Budget Project - Red Hill Valley Recreation and Open Space Masterplan (Approved amount = $600,000), and if the additional project cannot be absorbed from within the approved overall Corporate Capital budget, then lastly will come from the Reserve for Capital Projects - General (COHAM 100015); and,

(b) That this recommendation be referred to the Transition Board for approval.

**CARRIED.**

## NOTICE OF MOTION FROM PREVIOUS MEETING

Alderman Eisenberger gave notice that he would move at the next regular meeting of City Council the following motion:

"That the Council of the City of Hamilton agree to meet with the Transition Board to review the Board recommendations and to define an approval process to deal with the recommendations we can agree on, on or before September 30, 2000."

**WITHDRAWN.**

* * * * * * * * * * * * * * * *

**Re: Transition Board Recommendations**

It was moved by Alderman Charters and seconded by Alderman Eisenberger:

(a) That Council will review recommendations of the Transition Board as they are forwarded to us. **CARRIED.**

It was moved by Alderman Charters and seconded by Alderman Caplan:

(b) That Council direct the City Manager and the Chairman of the Finance and Administration Committee, Mayor Morrow and Mr. George Rust-D'Eye to have the Transition Board not proceed with posting any further positions for hire beyond the executive positions of General Managers of the new City as it is beyond their mandate. **CARRIED.**

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Re: **Move in-camera to hear legal counsel respecting outstanding issues concerning the Rennie Street Landfill Site.**

It was moved by Alderman Wilson and seconded by Alderman Corsini that Council move in-camera to hear legal counsel respecting outstanding issues concerning the Rennie Street Landfill Site. **CARRIED.**

It was moved by Alderman Wilson and seconded by Alderman Corsini that Council move out of camera. **CARRIED.**

* * * * * * * * * * * * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee and resolutions be adopted.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsinii, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan –15.

**NAYS**: -0. **CARRIED.**

**Note: The meeting adjourned at 4:50 p.m.**

**Taken as read and approved,**

**Mayor R. M. Morrow**

**K. C. Christenson, Acting Municipal Clerk**
**August 9, 2000**

**KCC/dg**

# CORRESPONDENCE

Correspondence
City Council
September 5, 2000

1. Application dated August 15, 2000 from SKMV Architects for a change in zoning from "C" (Urban Protected Residential, etc.) District (Block 1) to "G-1" (Designated Shopping Centre) District, Modified and modification to the "G-1" (Designated Shopping Centre) District (Block 2) for lands located at 1900 King Street East and 29, 31, 33 and 37 Rosedale Avenue, Hamilton, Ontario.

   **Recommendation: Be Received.**

2. Application dated August 17, 2000 from Ninco Construction Ltd., 60 Head Street, Dundas, Ontario for Removal of "H" – Holding Provision for property at 1770 Main Street West, Hamilton, Ontario.

   **Recommendation: Be Received.**

3. Application dated August 18, 2000 from Columbia International College, 1033 Main Street West, Hamilton, Ontario for a further modification to the "HH" (Restricted Community Shopping and Commercial) District for property at 1033 Main Street West, Hamilton, Ontario.

   **Recommendation: Be Received.**

# RECOMMENDATIONS

# RECOMMENDATIONS

**To the Council of the Corporation of the City of Hamilton**

**Members of Council:**

**The following recommendations are presented for consideration:**

## TRANSPORT AND ENVIRONMENT COMMITTEE

**A-1 Routine Traffic Amendments to the City of Hamilton Traffic By-law 89-72 – City Committee of the Whole Meeting – September 5, 2000 (PWT00147)**

That the requests for routine amendments as listed in Appendix "A" attached hereto, be approved and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

**A-2 Locke Street Merchants Association – Street Festival – Saturday, September 9, 2000 (PWT00146)**

That the application by the Locke Street Merchants Association to temporarily close Locke Street South between Hunter Street and Herkimer Street on Saturday, September 9, 2000 from 7:00 a.m. to 8:00 p.m. to hold a street festival, be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained;

(b) That the applicant provide proof of $2,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate;

(d) That all barricading be supplied by and at the expense of the applicant;

(e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic, at the expense of the applicant;

(f) That the applicant ensure that cleanup operations be carried out immediately before the re-opening of the roads to the satisfaction of the Acting Commissioner of Public Works and Traffic and at the expense of the event organizer;

(g) That no property owner or resident within the barricaded area be denied access to their property upon request;

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Acting Commissioner of Public Works and Traffic.

**A-3 Ottawa Street B.I.A. – Street Fest – Saturday, September 30, 2000 (PWT00145)**

That the application by the Ottawa Street B.I.A. to temporarily close Britannia Avenue, Edinburgh Avenue and Campbell Avenue between Ottawa Street and the municipal car parks located easterly, on Saturday, September 30, 2000 from 8:00 a.m. to 6:00 p.m. to hold a Street Festival, be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police, or his designate, be received and that such permits or authorizations as may be required by the Chief of Police, or his designate, be obtained;

(b) That the applicant provide proof of $2,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police, or his designate;

(d) That all barricading be supplied by and at the expense of the applicant;

(e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic, at the expense of the applicant;

(f) That the applicant ensure that cleanup operations be carried out immediately before the re-opening of the roads to the satisfaction of the Acting Commissioner of Public Works and Traffic and at the expense of the event organizer;

(g) That no property owner or resident within the barricaded area be denied access to their property upon request;

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Acting Commissioner of Public Works and Traffic;

(i) That the Ottawa Street B.I.A. be given permission to "bag" the parking meters on both sides of Ottawa Street North from Main Street East to Barton Street East on Saturday, September 30, 2000, from 10:00 a.m. to 4:00 p.m. subject to the B.I.A. reimbursing the City of Hamilton for the projected revenue loss from the affected parking meters;

(j) That paid parking in Municipal Car Parks 2A, 2B and 2C be rescinded on Saturday, September 30, 2000, from 10:00 a.m. to 4:00 p.m. subject to the B.I.A. reimbursing the City of Hamilton for the projected revenue loss in these car parks.

**A-4 To Incorporate Certain City Land into Various Streets by By-laws (TOE00012)**

(a) That the following City land be incorporated into the following streets:

| | | |
|---|---|---|
| Chedmac Drive | Part 20 | 62R-12060 |
| Falconridge Drive | Block 73 | 62M-747 |
| Hepburn Crescent | Block 52 | 62M-850 |

(b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of Corporate Counsel and be enacted by Council;

(c) That the Acting General Manager, Transportation, Operations, and Environment be authorized and directed to register the by-laws.

**A-5 Bills**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) A-048 Being a by-law to Incorporate City Land designated as Part 20 on Plan 62R-12060 into Chedmac Drive

(b) A-049 Being a by-law to Incorporate City Land designated as Block 73 on Plan 62M-747 into Falconridge Drive

(c) A-050 Being a by-law to Incorporate City Land designated as Block 52 on Plan 62M-850 into Hepburn Crescent

(d) A-051 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic

(e) A-052 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic

**A-6 That the following items be received for information:**

That the following items be received for information:

(a) Minutes of the August 9, 2000 meeting of the Transport and Environment Committee.

## PARKS AND RECREATION COMMITTEE

**B-1 External Posting for Historical Interpreter Position at Whitehern (CSC00117)**

(a) That permission be granted for the General Manager, Community Services Division, to advertise externally to fill the vacant Historical Interpreter position at Whitehern; and,

(b) That this recommendation be referred to the Transition Board for approval.

**B-2 Sale of Alcoholic Beverages - Turner Park - Looney Tunes 6th Annual Slo-Pitch Tournament (CSC00123)**

That approval be granted to the Looney Tunes Slo-Pitch Tournament to sell alcoholic beverages in Turner Park on September 30 and October 1, 2000 from 12:00 p.m. to 9:00 p.m. by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Special Event Guidelines and the Municipal Alcohol Risk Management Policy.

**B-3 Sale of Alcoholic Beverages - Mohawk Sports Park - Hamilton Hornets Rugby Club (CSC00124)**

That approval be granted to the Hamilton Hornets Rugby Club to sell alcoholic beverages at Mohawk Sports Park on September 17, 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy.

**B-4 Authority to Issue Request for Proposals for Private Sector Partners to Develop and Operate Waterfront Amenities at Bayfront Park (PWT00145)**

(a) That the Acting Commissioner of Public Works and Traffic, or his designate, be authorized to implement the first of a three stage private partner search and selection process for development and operation of Waterfront amenities at Bayfront Park; and,

(b) That the Request for Proposal Document and Evaluation Criteria as prepared by the JF Group attached hereto and marked as Appendix "B" and "C" respectively, be approved; and,

(c) That Staff report back on the results of this initial stage being the request and submission of Letters of Interest as per the project time table, and receive direction on Stage Two of the process; and,

(d) That Staff be authorized to commence rezoning of the Bayfront Park site based on the potential proposed use and upon approval of this recommendation.

**B-5 Bayfront Park Entrance Gateway and Sign (PWT00148)**

That the concept entrance gateway and sign for Bayfront Park consisting of a 46.0m high steel mast in the centre flower island on Harbourfront Drive immediately west of Bay Street, a 11.6m high steel mast in the plaza on the south/west corner and a curved concrete/steel park sign on the north/west corner be approved and funded from the $132,000 allocation for the Bayfront Park Gateway component of the 2000 Capital Budget for the downtown linkages and waterfront.

**B-6 Whitehern Historic House and Garden Name Change (CSC00121)**

That future reference to Whitehern Museum be amended to the present name of "Whitehern Historic House and Garden".

**B-7 Revised Mandate for New Mum Show Sub-Committee and Mission Statement, Goals and Objectives for Chrysanthemum Show**

(a) That the Mission Statement and Mandate of the New Mum Show Sub-Committee as adopted by the Parks and Recreation Committee at its meeting held April 20, 1993 be rescinded; and,

(b) That the revised Mandate for the New Mum Show Sub-Committee be as follows:

To provide overall direction and liaison with the Parks and Recreation Committee for the Chrysanthemum Show; and,

(c) That the Mission Statement, Goals and Objectives for the Chrysanthemum Show, attached hereto and marked as Appendix "D", be approved.

**B-8 Information Items**

That the following items be received for information:

(a) Event in Kay Drage Park - Approval of Parks By-law No. 95-126 (CSC00116)

(b) Vendor Agreement - Hamilton Harbour Waterfront Trail (PWT00129)

(c) Leash Free Area (PWT00138)

(d) Executive Committee of the International Children's Games and Millennium Festival - Minutes of Meetings held June 12 and July 6, 2000

(e) New Mum Show Sub-Committee - Minutes of Meeting held May 11, 2000

(f) New Mum Show Sub-Committee - Minutes of Meeting held June 22, 2000

## PLANNING AND DEVELOPMENT COMMITTEE

**C-1 Demolition of 134 Hixon Street (PDC00140)**

That the Acting Director of Building be authorized to issue a demolition permit for 134 Hixon Street in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**C-2 Demotion of 148 Selkirk Avenue (PDC00141)**

That the Acting Director of Building be authorized to issue a demolition permit for 148 Selkirk Avenue in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**C-3 Demotion of 273 Normanhurst Avenue (PDC00142)**

That the Acting Director of Building be authorized to issue a demolition permit for 273 Normanhurst Avenue in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**C-4 Demotion of 40 Margaret Street (PDC00143)**

That the Acting Director of Building be authorized to issue a demolition permit for 40 Margaret Street in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**C-5 Demotion of 1343 Barton Street East (PDC00144)**

(a) That subject to the requirements below, the Director of Building be authorized to deny an application for a demolition permit for the building located at 1343 Barton Street East in accordance with Demolition Control By-Law No. 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and

(b) That the Director of Building be authorized to issue a demolition permit for the building located at 1343 Barton Street East where the applicant has applied for and received the required site plan approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**C-6 Demotion of 1345 Barton Street East (PDC00145)**

(a) That subject to the requirements below, the Director of Building be authorized to deny an application for a demolition permit for the building located at 1345 Barton Street East in accordance with Demolition Control By-Law No. 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and

(b) That the Director of Building be authorized to issue a demolition permit for the building located at 1345 Barton Street East where the applicant has applied for and received the required site plan approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**C-7 Demotion of 1190 Upper Ottawa Street, Unit #52 (PDC00146)**

That the Director of Building be authorized to issue a demolition permit for 1190 Upper Ottawa Street, Unit #52, in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**C-8 Community Heritage Trust Fund Program, Loan Increase, 293 Park Street South (HSB00014)**

value after deducting from such appraised value, the owners' mortgages and other encumbrances, such as liens or realty tax arrears and the balance of the loan shall be re-payable to the City in the event the applicant ceases to own the property (except to the extent the property is registered as a residential condominium);

(ii) That upon the applicant meeting all loan conditions, advances of the City's loan to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City's loan, fully applied its equity and first mortgage loan funds and provided further that:

(1) All advances are subject to compliance with the Construction Lien Act and other usual requirements of lenders;

(2) At the time of each loan advance:

- there remains at least 25% owners' equity (as described above) in the properties;
- the applicants' architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for the building rehabilitation and conversion to 170 units and the value of the said remaining work is less than the amount of the City's loans; and,
-the said applicant is the registered owner of the property.

(iii) That the approval of the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the said amendment and inclusion of the property in the Downtown Community Improvement Project Area including such loan is approved;

(iv) That the applicant has applied for and received a building permit within 4 months of the approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan amendment;

(v) That the client commence construction with 3 months of the final loan approval by Council; and,

(vi) Such other terms and conditions that Council may, in its discretion, require.

(c) That Report PDR00152 be considered in conjunction with Report PDR00151 which are being concurrently presented to the Committee of the Whole on September 5, 2000.

**C-12 Appointment of Building Inspectors By-law (PDC00152)**

That By-law 96-138 which appoints building inspectors under the Building Code Act be amended to appoint all building inspectors within the municipalities of Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek as building inspectors for the City of Hamilton.

**C-13 Bills:**

That the following Bill be adopted, sealed, signed and enrolled as a By-law:

(a) C-060: A By-law to Amend By-law No. 96-138 respecting the appointment of Inspectors.

**C-14 Information Item**

That the following item be received for Information:

(a) Minutes of the August 9, 2000 meeting of the Planning and Development Committee

**FINANCE AND ADMINISTRATION COMMITTEE**

**D-1 Additional Millennium Projects Allocated for Funding**

That the following organizations and events be approved for funding from the City of Hamilton Millennium Program:

| | | |
|---|---|---|
| (a) | The Hamilton-Wentworth Interfaith Group | $ 4,000.00 |
| (b) | ABC Magic Bantam Boys Basketball | $ 1,500.00 |
| (c) | Commemorative Wall | $ 3,000.00 |

**D-2 Approval to Externally Hire Corporate Communications Position (CM0020)**

(a) That the Manager, Corporate Communications be authorized to externally hire a Communications/Marketing Officer on a one-year contract within the approved complement if there are no qualified applicants within the City/Region or any of the local area municipalities; and,

(b) That based on Transition Board guidelines, dated March 14, 2000, this report requires Transition Board approval.

**D-3 Approval to Fill Temporary Vacancies in Legal Services (LS0013)**

(a) That approval be given to fill the following temporary vacancies on a contract basis:

(i) two positions for Assistant Corporate Counsel;
(ii) one position for a Law Clerk

(b) That this recommendation is subject to the approval of the Transition Board.

**D-4 B.I.A.'s 1999 Financial Statements (FIN00096)**

That the 1999 Audited Financial Statements of the B.I.A.'s be received.

**D-5 Appointment of Temporary Acting Treasurer (CM0018)**

(a) That Thomas A. Bradbury be appointed as Temporary Acting Treasurer for the period of September 6, 2000 to December 31, 2000, while the office of Treasurer is vacant;

(b) That if Thomas A. Bradbury is unable to carry out the duties of Temporary Acting Treasurer during the time period reflected in subsection (a), Richard P. Male, or if Mr. Male in unable to do so, Anthony D. Tollis, will be designated as the Temporary Acting Treasurer.

(c) That the Temporary Acting Treasurer shall also perform the duties of the General Manager of Finance during the designated time period.

(d) That By-law No. 92-138, being a by-law to appoint a Treasurer for the Corporation of the City of Hamilton, be repealed effective August 19, 2000.

(e) That By-law No. 99-094 be amended to revoke the appointment of Allan C. Ross as a Collector for the City of Hamilton effective August 19, 2000 and to reflect the appointment of Thomas A. Bradbury as a Collector for the City of Hamilton effective September 6, 2000.

**D-6 Declaration of Surplus Property/Sale of part of Dulgaren Street (CS00025)**

(a) That the lands forming part of the unopened road allowance of part of Dulgaren Street from the east limit of Eaglewood Drive, easterly for 31 metres, being Parts 1, 2 3, 4 & 5 on Plan 62R-15337 (formerly Part 1 on Plan 62R-14087, be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law 95-049; and,

(b) Tht the Real Estate Facilities Management Department be authorized and directed to sell the subject property in accordance with the Real Property Sales Procedural By-law 95-049; and,

(c) That an Offer to Purchase (Highway Closure) the unopened road allowance of part of Dulgaren Street being Parts 1, 2, 3, 4 & 5, Plan 62R15337 for the price of $21,000, executed by Harp Homes Inc. (M. Mazza, President) dated August 5, 2000, be accepted. The said transaction is scheduled to close on November 10, 2000. Funds derived from this sale be credit to Account No. COHAM 47702-100035. (Reserve for Property Purchases (Sales)); and,

(d) That the required deposit cheque in the amount of $2,100 be held by the General Manager of Finance pending Council approval; and,

(e) That Corporate Counsel be authorized and directed to prepare the necessary transfer documents; and

(f) That the Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(1) satisfactory notice has been given to the public of the intended sale;

(2) no appraisal of fair market vale of the real property inteded to be sold has been obtained as Highway (Public Highway) Closures and Sales are exempt from the appraisal requirement of Section 193 of the Municipal Act.

(g) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the Corporate Counsel.

(h) That the Director of Roads be directed to prepare a by-law for the sale of the closed road to the abutting owner; and,

(i) That the Municipal Clerk be directed to publish a notice pusuant to Section 301 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.

**D-7 Declaration of Surplus Property - a one foot reserve, along the east side of Magnolia Drive, Hamilton, being Parts 1, 2 & 3, on a draft reference plan to be registered; Offer to Purchase 1' foot reserve, Chedoke Health Corp (CS00026)**

(a) That a one foot reserve along the east side of Magnolia Drive in front of property owned by the Chedoke Health Corporation, being Part of Block "C", Plan M-84 (one foot reserve) designated as Parts 1, 2 & 3, on a draft Plan prepared by A. J. Clarke & Associated Ltd. Dated July 20, 2000, in the City of Hamilton, be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049; and,

(b) That Real Estate, Facilities Management Department, be authorized and directed to sell this property to the abutting property owner in accordance with the Real Property Sales Procedural By-law No. 95-049.

(c) That an Offer to Purchase, executed by Chedoke Health Corporation, scheduled to close on or before November 8, 2000, being part of Block "C", Registered Plan M-84 (one foot reserve), designated as Parts 1, 2 & 3, on a draft Plan prepared by A. J. Clarke & Associates Ltd. Dated July 20, 2000, having a frontage of 246.93 metres (810.14 feet) more or less, along the easterly limit of Magnolia Drive, be approved and completed and the funds derived from this sale of $2.00 be credited to Account No. COHAM 47702-100035 (Reserve for Property Purchases - Sales); and,

(d) That the following clause inserted in the Offer to Purchase be approved:

"Prior to the completion of this transaction, the Purchaser shall execute a subdivision agreement with the City of Hamilton/Region of Hamilton-Wentworth (Scenic Park South subdivision) which would address provision for payment of outstanding servicing costs related to the lifting of the subject 0.3 metre (one foot) reserve".

(e) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the Corporate Counsel; and,

(f) That the Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in a form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(1) satisfactory notice has been given to the public of the intended sale, by inclusion of the real property sale in the agenda of the Council at which the intended sale is to be considered by Council; and,

(2) the real property intended to be sold is exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.

**D-8 Sheraton Hamilton Hotel, 116 King Street West, Hamilton; Hotel's proposal to use driveway ramp into underground parking garage for cars entering and exiting the garage; application to City, as landlord, for consent to Proposal (LS00012)**

(a) That the City of Hamilton, as landlord of the Sheraton Hamilton Hotel, grant the following approvals to GGS Hotel Holdings Inc., our tenant:

(i) Firstly, pursuant to the Hotel Interface Agreement dated July 31, 1984 (section 14.(0)), City approval for GGS to germinate its Agreement with First Real Properties Ltd. And with Second Real Properties Ltd., (together referred to as "Yale"), under which cars parked in the Hotel's underground parking garage use Yale's premises for their egress route to King Street West, subject to the following conditions:

(1) our tenant, GGS, shall have obtained permission for cars to use the Hotel's driveway ramp as a two-way access pursuant to an Access Permit to the controlled access Regional highway known as King Street West. The Regional Municipality issues such Access Permits subject to safety and traffic conditions being fulfilled by the Applicant. GGS is required to keep in good standing the conditions of such Access Permit; and,

(2) our tenant, GGS, shall have obtained a minor variance to City Zoning By-law No. 6593,(section 18A(24)(b)) to permit the Hotel garage's driveway ramp, (linking it to King Street West), to remain at about 3 metres in width, which is less than the minimum 5.5 metre width required by the Zoning By-law, and any other planning approvals as required by law; and,

(ii) Secondly, pursuant to the Ground Lease to GGS dated May 3, 1983 (section 6.04), City approval to GGS to alter the external appearance of the Hotel building by,

(1) adding a new sign "Sheraton" to replace the existing Sheraton "S" crest at the top of the Hotel building and re-locating the "S" crest to the opposite side of the Hotel; and,

(2) adding a canopy façade with the name "Sheraton", above the Hotel's main entrance.

(iii) Thirdly, pursuant to the Ground Lease to GGS dated May 3, 1983 (section 6.04), City approval to GGS to alter the operation of the driveway ramp to the garage, (an alteration to a mechanical system in or connected with the improvements subject to City approval) to permit such driveway ramp to be used by cars in the Hotel's underground garage for both ingress and egress;

(b) That these approvals are conditional upon GGS entering into an approval agreement with the City in a form satisfactory to Corporate Counsel;

(c) That these approvals are conditional upon GGS making all changes and alterations in compliance with the requirements of: the Building Code; applicable Building permits; and site plan approval (where applicable)

satisfactory to the Director, Land Development, Community Planning and Development Division.

(d) That the said approval to the Canopy façade above the main entrance, which projects over King St. W., is subject to GGS entering into and fulfilling the requirements of an encroachment agreement with the Region. The City shall enter into such Agreement as the abutting landowner. The said canopy shall be removed by GGS in the event the Region requires its removal.

**D-9 Proposed Conveyance by the Canadian Imperial Bank of Commerce of 281 Herkimer Street, Hamilton to the City of Hamilton**

(a) That the Canadian Imperial Bank of Commerce be advised that the City of Hamilton is prepared to accept title to 281 Herkimer Street, Hamilton, Ontario through the execution of an Option to Purchase agreement in the amount of $2.00 by the CIBC subject to the following conditions:

(i) That the City of Hamilton provide to the Canadian Imperial Bank of Commerce a tax receipt, in accordance with the City's policy, equal to the appraised value of the property, said value to be satisfactory to the City of Hamilton.

(b) That upon completion of the transfer of 281 Herkimer Street, Hamilton from the CIBC to the City of Hamilton, the property be made available to the Hamilton Public Library Board to be used as a branch library.

(c) That the Hamilton Public Library Board be authorized to use monies from their trust accounts, namely the Special Gifts Fund (COHAM 125010) and Capital Endowment Fund (COHAM 125020) to fund the required renovations to 281 Herkimer St., Hamilton to convert it to a branch library.

(d) That any funds received from the future disposition of the property located at 285 Locke Street be credited towards the trusts accounts that funded the renovations to 281 Herkimer St., Hamilton.

(e) That this report be forwarded to the Transition Board for the new City of Hamilton for their approval.

**D-10 Authorization to enter into Extension Agreements on specific properties for the payment of realty tax arrears (FIN00094)**

(a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the Corporate Counsel and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of properties outlined in Report FIN00094, to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on June 28, 1994:

(b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,

(c) That the Mayor and Municipal Clerk be authorized to execute the aforesaid by-law and extension agreements.

**D-11 Request for Additional Financial Assistance Lakeland Family Pool Association (CSC000125)**

(a) That upon completion of the pool season on September 5, 2000, the Lakeland Family Pool Association (LFPA) make available to City staff for review its financial records for the Lakeland Pool's 2000 operating season; and,

(b) That the General Manager of Finance be requested to identify funding in an amount equal to the operating deficit and that the amount not exceed $15,000; and,

(c) That the LFPA submit a three year business plan aimed at achieving zero City subsidy, for consideration prior to the commencement of the 2001 operating season; and,

(d) That the LFPA be required to return any future operating surpluses to the City, to the extent of the assistance provided.

**D-12 Referral from City Council - Correspondence - Town of Dundas - Committee to Guide New Council**

That the Correspondence from the Town of Dundas dated August 11, 2000 respecting "Committee to Guide New Council" be received.

**D-13 Correspondence - Canadian Football Hall of Fame & Museum - request for the City to purchase a table for the Induction Dinner being held on September 29, 2000**

That in keeping with past practice, the City purchase a table for the Induction Dinner for the Canadian Football Hall of Fame & Museum being held on September 29, 2000.

**D-14** Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

D-033 A By-law to Authorize an Extension Agreement for payment of Realty Tax Arrears.

D-034 A By-law to Repeal By-law No. 92-138.

D-035 A By-law to Amend By-law No. 99-094.

D-036 A By-law to Appoint a Temporary Acting Treasurer for the Corporation of the City of Hamilton.

D-037 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

**D-15** That the following Information Items be received:

(a) Correspondence - 4 Office Automation Ltd. - RFI C4-2-00- Print and Fleet Asset Management Strategy

(b) Information Report - Pension Funds Equity Increasing Global Exposure, Decreasing Canadian (FIN00092)

(c) Information Report - Pension Funds Canadian Equity Index Program: Transfer of Funds from S&P/TSE 60 Index Program to TAL Pooled Canadian Equity Index Fund (FIN00089)

(d) Resolution - Town of Ancaster - Survival of the Ontario Cash Crop Producers through Agricorp

(e) Information Report - Sale of Tax Arrears Properties (FIN00091)

(f) Information Report - 1999 Hamilton Fire Department Annual Report

**PRIVATE AND CONFIDENTIAL AGENDA**

**E-1** Licence Agreement

**Ward 2**

(a) Cheryl Harvey, 35 Tisdale Street South, has requested that a reserved "Permit Parking" regulation be implemented in front of 37 Tisdale Street South and across the street from her home, since she is disabled. Mr. Montigny, 37 Tisdale Street South, has advised that he supports the request.

(b) Ly Tran, owner of King Pharmacy, 85 Hess Street North, has requested that a "30 Minute Parking Time Limit" be implemented adjacent to the vacant lands on the south side of Peter from Hess to 55 feet westerly.

**Ward 3**

(a) Mrs. O'Callaghan, 180 Rosslyn Avenue North, has requested that the existing "Permit Parking" regulation on the east side of Rosslyn, directly in front of her home, be removed as she has moved.

(b) Mr. Brian Gates, 160 Avondale Street, has advised that he no longer requires the recently approved "Permit Parking" regulation on both sides of Avondale, directly in front of his home, as he has moved. The subject signs have not been installed.

(c) Alderman Bernie Morelli has advised that he wishes to initiate the implementation of a "Three Hour Parking Time Limit" regulation on the east side of Depew between Beach and the southerly end.

(d) Mrs. Donna Woodruff, 73 Cedar Avenue, has requested that the existing reserved "Permit Parking" regulation in front of her house be removed since they have recently installed off-street parking on their property.

(e) Alderman Dennis Haining, has advised that he received a petition, on behalf of the area residents, requesting that the existing "No Parking" regulation on the west side of Avondale between Mons and the Canadian National Railway Main Line be reverted back to the east side of the street. The regulation was transferred to the west side to aid in the delivery of goods to Powell Auto Parts, 238 Gage Avenue North, however, this company is no longer in business.

(f) Darlene Shafer, 231 Rosslyn Avenue North, has requested that a reserved "Permit Parking" regulation be implemented in front of her home since she is disabled.

**Ward 4**

(a) Mrs. Wilcox, 114 Park Row North, has requested that the existing "Wheelchair Loading Zone, 8:00 am to 6:00 pm, seven days a week" regulation, directly in front of her home, be changed to a full-time "Wheelchair Loading Zone" regulation.

(b) Mrs. Merle Coomber, 15 Park Row South, has requested that a reserved "Permit Parking" regulation be implemented in front of her home, on the east side of Park Row, south of Main, since she is disabled.

(c) James Steel, 18 Delena Avenue South, has requested that the existing "Wheelchair Loading Zone, 8:00 am to 5:00 pm, seven days a week" regulation on the west side of Delena, directly in front of his home, be removed as the previous resident, who requested the regulation, has moved.

(d) Mrs. Anne Alexandre, 266 Roxborough Avenue, has requested that the existing "No Parking, 8:00 am to 4:00 pm, Monday to Friday" regulation on the south side of Roxborough, east of Graham, be revised such that the regulation commences at Graham and extends 75 feet easterly therefrom.

**Ward 5**

(a) Alderman Chad Collins has forwarded a petition signed by 23 of the 28 residents abutting Owen between King and Cromwell requesting that a "Two Hour Parking Time Limit, 9:00 am to 5:00 pm, Monday to Friday" regulation be implemented on both sides of the street. Twenty of the residents are in favour and three are opposed.

(b) Staff has received a petition signed by representatives of 17 of the 20 residents abutting Nelligan requesting that the existing "Alternate Side Parking" regulation be removed from Nelligan between Erin and the easterly end. Sixteen are in favour and one is opposed.

**Ward 6**

(a) An area resident has requested that eastbound stop control be implemented at the "T" type intersection of Quincy and Rochelle.

**Ward 7**

(a) MaryAnn Ilchene, 97 Greeningdon Drive, has requested that eastbound stop control be implemented at the "T" type intersection of Goldstrum and Greeningdon.

(b) Alderman Bill Kelly has requested that three-way stop control be implemented at the "T" type intersection of Cyprus and Sirente. Staff concurs with this request on an interim basis until the neighbourhood is developed at which time a more suitable location for an all-way stop would be one block to the west of the subject intersection.

(c) Mrs. Bucsis, 55 Rowntree Drive, has requested that northbound stop control be implemented at the "T" type intersection of Rowntree and Ramsden.

(d) Fred Cutting, 134 Gateview Drive, has requested that a "No Stopping" corner clearance be implemented on the south side of Gateview, east of West 5$^{th}$ to improve visibility and turning movements at the intersection.

**City of Hamilton**

Appendix "B" as referred to in
Section B-4(b) of the
Committee of the Whole
Report of September 5, 2000

# *PUBLIC / PRIVATE PARTNERSHIP TO DEVELOP AND OPERATE WATERFRONT AMENITIES AT BAYFRONT PARK*

## REQUEST FOR PROPOSAL

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# 1. INTRODUCTION

The Corporation of the City of Hamilton wishes to pursue a public/private partnership for the development and operation of waterfront amenities at Bayfront Park. The location of this business opportunity is in the west harbour front area at Bayfront Park adjacent to Pier 4 Park and marina operations. The City owns this fully serviced site. Bayfront Park is a popular recreation facility offering a variety of active and passive leisure opportunities. The park is also host to many annual festival events and special events that attract a significant number of visitors to the site. The City is seeking a qualified proponent who shares the City's long-term vision for the site and is committed to developing and operating first-class attractions in this prestigious location.

Utilizing a three staged selection process, the City is seeking innovative proposals from private sector proponents with the capacity to partner with the municipality on this exciting project. The successful organization will be capable of demonstrating its ability to provide expertise and a willingness to contribute to the project to maximize the community benefit and financial performance of the development. A full description of the entire selection process is included in Section 8 of this Request For Proposal.

## *1.1 The City of Hamilton*

The City of Hamilton is located one hour west of Toronto. Incorporated in 1846, Hamilton is one of the province's oldest and most established communities with an intriguing blend of history and tradition alongside new growth and development. In 1996, the City's population was 323,900, which is expected to grow by 4% to 337,600 by 2011. The City is home to McMaster University with an estimated enrolment of 17,600 students and Mohawk College of Applied Arts and Technology with a full-time student population of 16,800. Per capita income is approximately 5% above national averages and manufacturing is the single largest industry group.

The municipality's original residential and industrial development occurred in the lower part of the City, while the most recent developments have occurred on Hamilton Mountain. The Internationally recognized Niagara Escarpment divides the City into upper and lower sections. Approximately 58% of the City's current population reside in the lower City, although future residential development on the mountain will result in a more balanced population distribution between the City's geographical areas.

## *1.2 Overview of City's Park Division*

- Philosophical approach to Parks provision
- Number of Parks
- General locations

- Similar relationships with private interests in other park locations

*1.3 Definitions*

"*Request for Proposal (RFP)*" refers to this document,

"*City*" means the Corporation of the City of Hamilton,

"*Facility*" means the complex the proponent is proposing,

"*Project*" means the approach, design, development, financing, construction, maintenance, operation and management of the facility as proposed by the proponent,

"*Proponent*" means a respondent to the Request for Proposal,

"*Respondent*". means an entity preparing a response to the RFP and may be used interchangeably with proponent,

"*Proposal*" means the document submitted in response to this RFP,

"*Selection process*" means the City's process involving Letters Of Interest, Request For Proposals, and Negotiation Stages as described in Section 8 of this document,

"*Selected proponent*" means the primary proponent whose proposal has been selected for further negotiations in the development of the partnership for the project,

"*Team*" means a company, firm or consortium, which is formed for the purposes of responding to this RFP,

"*Team member*" means any company or firm comprising part of a team,

"*Time of Day*" means all times given in this document are local Eastern Time, either Eastern Standard Time or Eastern Daylight-saving Time, as applicable to this season of the year,

"*Other proponents*" means other respondents who have submitted proposals and with whom the City may negotiate if negotiations with the primary proponent are not successful,

"*Complex*" means the facility the proponent is proposing,

"*Stakeholder Groups*" means community groups and organizations who may be affected by or who may utilize the Complex,

"*Partnership*" means a mutually agreeable relationship between the City and a proponent

whereby each party engages in a co-operative approach to the provision of facilities or the delivery of services to the community. The word does not denote the meaning contained in the usual legal sense or used in the Partnership Act of Ontario. The use of the term *partner* implies a participant in the relationship as described above.

### *1.4 Purpose For This Request For Proposal*

The purpose for this Request For Proposal is to initiate Phase Two of the search and selection process for a private sector partner for the development, construction and operation of waterfront amenities at Bayfront Park. The City of Hamilton has previous experience with partnerships, joint ventures, contracts, and informal relationships involving the private sector. In certain cases, these dealings have not been positive. Consequently, municipal officials are committed to establishing a partner search and selection process that is fair, transparent, and fully capable of protecting the interests of the municipality and its constituents. The municipality intends to select a proponent with the necessary attributes and qualifications to ensure the Complex is constructed, maintained, and operated at standards that fulfil the expectation of park patrons and the City. Further, Hamilton wishes to provide affordable and accessible facilities to its residents in a fashion that is consistent with the City's corporate culture and operating style.

### *1.5 Scope of the Project*

The minimum scope of the project is the development, construction, and operation of a commercial complex and amenities capable of meeting the retail, leisure, and recreation requirements of Hamilton residents. The City believes that a partnership with the private sector will bring to the project advantages that may not be inherent with a facility built and operated in the traditional municipal fashion. As such, Hamilton is willing to consider any creative public/private relationships as long as the City's objectives for the development are achieved and a relationship has legal authority under the *Municipal Act*.

Although a number of preliminary planning studies have resulted in the identification of elements and features that could become part of the project, proponents should understand that the City has not commissioned a market study for any type of venture in this area. While every attempt has been made to provide proponents with detailed and comprehensive information about community leisure requirements and commercial and retail market conditions, the City accepts no responsibility for conclusions made by proponents based upon information included in this document, attached appendices or other material that may be furnished to proponents throughout the entire search and selection process. Therefore, it is the responsibility of each proponent to validate their own assumptions and to base proposals upon sufficient and adequate information drawn from independently conducted market studies and/or all other possible sources.

While proponents are encouraged to develop innovative concepts, the following items have been identified as being compatible with the City's intentions for the site.

- Small tour boat or charter concessions. (separate approvals will be required from the Hamilton Harbour Commissioners).
- Restaurants, cafes or other food services which may operate year-round.
- Seasonal or year-round small food concessions.
- Bicycle and/or in-line skate rentals.
- Paddleboats and/or canoe rentals.
- Retail outlets for goods and services.
- Retail outlets for artists and artisans.
- Other amenities compatible with park use.

### *1.6 Project Goal and Objectives*

The City of Hamilton is interested in developing a relationship with private enterprise for the development, construction, and operation of waterfront amenities at Bayfront Park so that the project can be the beneficiary of the combined expertise and resources offered through both the public and private sectors. The municipality's goal for the project is to create a mutually beneficial, long-term relationship with a private partner through which the following objectives can be realized.

- To provide a full range retail complex.
- To provide public amenities and attractions.
- To maximize the financial benefit(s) to the City and its partner(s).
- To maximize the service benefits to park users.
- To minimize municipal funding to the project.
- To enhance the attractiveness of the park and its facilities.
- To enhance the leisure and retail experience of waterfront visitors.

### *1.7 Partnership Principles*

The City of Hamilton has adopted partnership principles that will guide the process of developing a public/private partnership for the development and operation of waterfront amenities at Bayfront Park. Principles will be applied during the evaluation of proposals and proponents are advised to reflect the various concepts within the submissions. The following summarizes the issues and considerations related to each partnership principle. Although various examples (such as policies) have been used to

demonstrate the applicability of the principles, proponents should be advised that whenever examples appear, the list is not necessarily complete or limited to those provided.

## Partnership Principle #1
## Compliance with Municipal Values and Philosophies

All aspects of the proposed development will be required to comply with Hamilton's philosophical approach to the delivery of leisure services as well as with any governing legislation. This compliance will extend to leisure service as well as commercial and retail activities occurring in the project's facilities, in the park or on the waterfront. Applicable policies will govern certain aspects of the project's operation. For example, Hamilton's Zero Tolerance of Violence Policy and the Fair Wage Policy must be clearly evident in the proponent's submission. Favourable consideration will be given to proposals indicating the proponent's previous experience in demonstrating sensitivity to municipal values and a mission statement that is consistent with municipal service delivery philosophies and operating approaches.

*Municipal values must be part of the proposed concept, partnership structure, and where applicable operating plans for the waterfront amenities at Bayfront Park.*

## Partnership Principle #2
## Demonstration of Need

The City has not completed a formal analysis of the need for the project. However, anecdotal input from park users as well as the views of special event organizers and other local business officials suggests a high-quality retail and service complex would be a positive attribute to the Bayfront site. Current park visitors and event foot traffic projections are included in the Appendix of this RFP. While these projections are based upon subjective observations rather than accurate data collection methods, City officials expect foot traffic would substantially increase once the project was developed. The Appendix also includes a list of annual events and a profile of the type of visitors generally attending each occasion.

Other initiatives such as the downtown entertainment project, the transportation network. and the revitalization of adjacent properties are advantageous to the Bayfront project. Increased boat traffic resultant from recent upgrades to local marinas would also assist in adding to the viability of a retail complex. Furthermore, the waterfront trail and other adjacent recreation facilities would add to the appeal of a commercial component in the park. It is the City's hope that the combination of these factors will assist the development for filling the project's objective of elevating the Bayfront Park to a four-season destination.

*Proponents will be required to complete a detailed needs analysis and feasibility study upon which the proposed development concept and partnership relationship should be based.*

*Priority consideration will be given to candidates who explore the need for creative and unique commercial, retail, and service elements consistent with customer trends, profiles of current and future park users and the future demographic makeup of the City.*

## Partnership Principle #3
## Stakeholder Involvement

Given the project is apt to be a positive catalyst to retail and commercial activity in the area, it is not expected that local businesses or other stakeholders will object to the development. Furthermore, certain local businesses and concessionaires have expressed desire to be involved in the Bayfront project. Information will be solicited from these individuals and opportunities to receive their input will be provided. Moreover, opportunities for input from stakeholder groups such as event organizers, local residents, Central and North Community Associations, parks users from outside the City, and other interested individuals will be required. In the event that re-zoning is necessary, public consultation will be a requirement of the application process. The municipality will supervise and/or lead all public consultation activities and will involve private interests as necessary.

Following the selection of the successful proponent and the negotiation of an acceptable agreement, various groups and individuals may be consulted to ensure the final concept, facility design and service strategy of the park is congruent with the community's expectations. Any possible adjustments to the concept caused by community input will only be considered if both the City and the successful proponent mutually agree to such changes.

Proponents must understand the Transition Board responsible for municipal amalgamation will be required to approve the final partnership agreement.

*Park users and others potentially affected by the Bayfront retail complex will be appropriately involved in the planning and development of the project. Although the City anticipates public consultation activities may require the involvement of potential partners, the municipality will be responsible for initiating and implementing public comment. There may be the necessity to communicate with others who are affected by the project yet are non-park users. A pre-established plan that foresees the need for public relations initiatives and that offers organized responses to potential development implications will be considered as a joint consultation program between the municipality and the proponent.*

## Partnership Principle #4
## Value Of The Proposed Relationship

Approximately $20 million of public funds has been invested in the Bayfront Park site to date. While the site is already serviced, there may be the necessity to upgrade certain services to accommodate a project

of the anticipated magnitude. Consequently, there is a possible additional municipal capital investment required. The City also understands and accepts its financial obligations associated with remedial environmental issues.

The City expects to receive fair value for its land and capital investment in the park site. A variety of relationship structures are possible and creative agreements are encouraged from proponents. Furthermore, opportunities to reduce operating costs of the park by leveraging the involvement of a private partner could provide a supplementary financial advantage to the proposed partnership relationship.

*The complex will be developed and operated consistent with the project objectives and will fulfil the retail, leisure, and service expectations of the municipality. Propositions offering acceptable financial benefit and return on investment to the municipality while increasing the service standard to park users will be regarded favourably. In view of the City's current and long term capital budget plans, propositions involving no municipal capital contribution (beyond items required for environmental restoration and services upgrades) will receive positive consideration. The City's contribution to the project will be consistent with what is permissible under the Municipal Act. The Act prohibits granting of bonuses to commercial and other enterprises including, but not limited to, such things as leasing or selling of any municipal property at below fair market value, or providing a total or partial exemption for any levy, charge or fee. While development charges are within the municipality's sole jurisdiction, propositions suggesting the elimination of City charges must provide an extremely compelling rationale for this alternative to be favourably considered.*

## Partnership Principle #5
## Control Responsibilities

Depending upon the proposed scope and nature of proponent concepts, the City may wish to retain certain controls over selected aspects of the development and operations of the Complex. An overriding principle driving many control items will be the need to establish and maintain a family atmosphere. Also, the City expects architectural treatment of the complex will be consistent with the design considerations and other technical matters outlined in this RFP. Proponents wishing to deviate from the specified architectural considerations must provide compelling justification and supporting rationale.

The municipality may establish guidelines governing certain operating issues such as acceptable hours of operation, cleanliness and maintenance standards, noise abatement strategies, etc. Moreover, the City, in its sole discretion, will establish an interpretation of community standards and provide the proponent with an appropriate description. The successful partnership candidate will be expected to operate the complex in accordance with community standards. Further, the City will retain the right to implement controls to protect local residents and neighbours of the site from negative influences or impacts caused by the

project. Restaurants and other food and beverage establishments serving alcohol will be expected to operate within the Ontario Government policies for licensed premises rather than the City's alcohol management policy.

*The City will be obligated to retain controls over certain aspects of the development and operations of the retail complex. Clearly the municipality recognizes its influence on operations must be consistent with the level of City contribution and participation in the project. Yet, municipal officials must exercise some degree of control to protect the public's interest and reduce the municipality's exposure to apparent risks.*

## Partnership Principle #6
## Partners Attributes

The qualities, attributes, and resources required by potential partners must be consistent with the scope and nature of the proposed project. While the City recognizes that consortiums may provide certain attributes from a variety of sources, it will be important that proposals clearly delineate the capacities of the entire team.

*Potential partners (individuals or consortiums) must demonstrate the expertise, resources, and experience necessary to fill their project responsibilities, based upon the scope and nature of the proposed concept.*

## Partnership Principle #7
## Assumption of Risk

Recognizing that partnerships and coordinated approaches to the development of joint projects are influenced by a variety of uncontrollable and frequently unforeseen conditions, it is reasonable to expect that risk will be equitably allocated based on capital contribution and anticipated return on a partner's investment in the project. It is anticipated the City will continue to maintain the park and will therefore assume all liabilities associated with park use. However, clear guidelines will be necessary to distinguish between the absorption of liability and other risks in general gathering areas or when users are common to the park and the retail complex.

Controls and remedies such as those normally included in standard landlord/tenant agreements will be included in the partnership arrangement between the project and retail operators. Depending upon the level of involvement by the municipality in the complex, leases may require City approval. Furthermore, the City may require a minimum capital conservation commitment by the proponent for the project.

*The City will minimize its risk exposure through a variety of mechanisms. The City's willingness to establish an arrangement with a private partner and potentially contribute to the*

*project will be commensurate with its assessment of the inherent risk of the proposed concept.*

## Partnership Principle #8
## Proposed Concept

Proponents must be capable of demonstrating the worthiness of the proposed concept. Proposed concepts should be sound and based upon accurate interpretation of market study data and other information collected by the potential partner. The concept must contain a management structure that reflects the roles and financial obligations of the partners, planned operating models capable of meeting the City's quality standards, and where necessary, customer service initiatives and dispute resolution mechanisms should be provided. The concept should also include an indication of proponent's systems and/or mechanisms to comply with the obligations, roles, and responsibilities outlined in this RFP. The proposed development timetable and implementation schedule must be reasonable.

*Proposals presenting unique and creative concepts that conform to the City's partnership principles and are sensitive to project goals and objectives will be viewed positively. Furthermore, development and operating concepts that contribute to the Bayfront Park site becoming a four-season destination and that increase the community benefit inherent with this substantial municipal asset will be given favourable consideration.*

## Partnership Principle #9
## Business Proposition

The submission must provide an outline of the economic/market analysis inclusive of financial implications associated with the proposed development and concept plan. Income distribution must reflect each partner's contribution to the project and involvement in day-to-day activities. While the concept must conform to the municipal philosophies, the plan should also illustrate new and creative approaches to the development of the project, the management of the complex, and the delivery of services contemplated in the concept.

*The proposed concept must be sufficiently developed to demonstrate its economic viability, benefit to the community, financial advantage to the municipality, and lifestyle contribution to City residents.*

# 2. PROJECT TECHNICAL INFORMATION

## *2.1 Site Location*

The site is located on Macassa Bay in the west end of Hamilton Harbour. (See Figure ?-Location Plan in the Appendix). Figure? - Existing Conditions, show the site in context with the adjacent lands. The property is situated below Bay Street North adjacent to Macassa Bay Walkway and Pier 4 Park. A paved and lighted street, called Harbourfront Drive, provides access from Bay Street North to the site. Located in the recreational area of Hamilton Harbour, the site has outstanding views to the wooded shores of Burlington, the T. B. McQuesten Bridge, Dundurn Castle, and Pier 4 Park.

## *2.2 Site Description*

The site available for development is illustrated on Figure ?

Describe site and zone area, proposed use, base conditions.

Bayfront Park is a 16 ha (40 acre) passive City park developed and opened in August 1993. The "island" portion of the park encloses and shelters Macassa Bay. Bayfront Park features a 1 km. paved walkway that hugs the natural shoreline, passing a sandy beach and pockets of natural landscape. The upper plateau is the venue for many festivals, picnics, and the ever-popular Aquafest Waterfront Festival.

Total area available for development is????? sq.ft. on ????? acres.

## *2.3 Adjacent Land Uses*

Just north of the site is Macassa Bay Walkway. This walkway connects Bayfront Park and Pier 4 Park through an area occupied by the Macassa Bay Yacht Club and McDonald Marine Services and extends along the Harbour shoreline to the T.B. McQuesten Bridge and beyond. The adjacent land uses are shown on Figure ?. Pier 4 Park is located to the north of the subject property.via Macassa Bay Walkway. Pier 4 Park is a fully developed City park, 3.0 ha (7.5 acre) in size, which was completed in July 1993. The Park features a wooden pier and sun shelter, a tugboat play area, landscaped open space, and a heritage public building. This public building, formerly known as the Gartshore Thomson Building provides public washrooms and public meeting space. The Hamilton Bay Sailing Club, a tenant in the basement of the building, has a small storage compound beside the building, access to a boat launching ramp and dock.

To the north of Pier 4 Park, there is the Leander Boat Club, a prestigious rowing club that has existed for

over 100 years; the Harbour West Marina Complex, owned and operated by the Hamilton Harbour Commissioners; and the Royal Hamilton Yacht Club. Immediately to the north of the site is the Macassa Bay Yacht Club (M.B.Y.C.) a non-profit club that provides docking facilities for 100 boats in Macassa Bay. M.B.Y.C. is a tenant on land and water lots owned by the City and has recently constructed a new clubhouse.

### *2.4 Recent and Future Developments*

Hamilton Harbour, recognized as one of the Great Lakes' most important industrial ports, is breathing new life again... literally. Over the past ten years, Hamilton Harbour and the West Harbourfront Precinct have been the subject of many initiatives by the public and private sectors to improve water quality, increase harbour access, protect heritage and environmental resources, stimulate the economy, and provide for the City's and Region's long-term transportation needs.

Since 1989, over $92 million has been spent by the public sector on environmental, tourism, and urban renewal projects on the harbour and in the West Harbourfront Precinct. A significant financial commitment has also been made by the local industries to clean up the harbour.

The results have been outstanding. The water quality has steadily improved, fish populations have dramatically increased, and people have returned to swim in the harbour. Pier 4 and Bayfront Parks have become the pride of Hamiltonians and represent destinations for visitors. Aquafest, the Region's annual waterfront festival centred on these parks, has steadily grown in popularity and attendance over the past five years and includes the participation of the Hamilton Harbour Commissioners, Macassa Bay Yacht Club, and H.M.C.S. Star Naval Base.

The renewed interest in the harbour has also led to an increase in demand for recreational boating and docking space. In response, the Hamilton Harbour Commissioners (H.H.C.) has spent $3.5 million on their Harbour West Marina Complex: the Macassa Bay Yacht Club has spent $450,000. on a new club house, and the City has built a public boat launch in Bayfront Park and another launch in Pier 4 Park for use by the Hamilton Bay Sailing Club. The H.H.C. has also constructed a public boat launch adjacent to Burlington Canal, under the Burlington Bay James N. Allan Skyway Bridge.

The West Harbourfront Precinct is developing into one of the City's most prestigious and sought after locations. The City undertook the West Harbourfront Development Study (W.H.D.S.) from 1993-1995. The final report, dated November 1995, describes in detail a possible vision for this precinct that would see a transformation of the railway marshalling yards and surrounding lands into a high-quality mix-use development focusing on tourism, recreation, residential, commercial, and transportation uses. The City has secured property along the shoreline from CN Rail to develop a recreational pathway from Bayfront Park to Desjardins Canal; this $5M project officially opened for public use on July 1, 2000.

## *2.5 Official Plan and Zoning*

The subject lands are currently designated as open space and a Special Policy Area #A.2.9.3.3. in the Official Plan, however, this area is under review and will be dealt with in a future official plan amendment. All lands within this neighbourhood are subject to Site Plan Control By-law No.90-285.

The zoning of the subject lands are governed by the City of Hamilton Zoning By-law No.06593, as amended from time to time. This By-law is administered by the City of Hamilton, Building Department, City Hall, 3rd Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5. The general inquiry number is (905) 546-2720.

The subject property is zoned CF-1, Special Waterfront District. For convenience, Official Plan Special Policy A.2.9.3.3. a zoning plan (Figure ?), and the 'F' District Requirements of Use are attached in the Appendix. For accurate reference and recourse, proponents shall consult the official By-laws.

## *2.6 Soils Information*

- remediated site details ???

## *2.7 Existing Services*

During the development of Pier 4 and Bayfront Parks in 1993, the paved and curbed roadway was built to the site and a 6m (20ft.) paved roadway through the site to Pier 4 Park was also constructed. Decorative nautical street lighting was installed throughout the park. These are 150w HPS lights on 18ft. poles (see Figure ?)

Rework*****

****Also, hydro, water, sanitary and storm sewers were installed in 1993, as shown on Figure ?. The hydro corridor includes a bank of 8-SOmm ducts, and a 89mm Bell telephone duct. A 75kva transformer, located at the south end of Zone 2, provides the power supply to the site. Additional power is available from this transformer. The duct bank has some empty ducts to feed new power and telecommunications cables. The sanitary sewer is a 3OOmm diameter pipe and the storm sewer is a 6OOmm diameter pipe where they cross the site.

A 15Omm diameter water main is located in Pier 4 Park approximately 10m north of Zones 1 and 2. This water main terminates at a fire hydrant. The site is serviced at the southern end from a water main, which comes down the hill from Bay Street North and Picton Street and terminates at a fire hydrant. A new gas line has recently been installed to the site at the southern end. A cable television. line has recently been installed south of the site to the new M.B.Y.C. clubhouse.

## *2.8 Shoreline Treatment*

Rewrite

## *2.9 Landscaping*

All public lands have been planted and are maintained by the City. The proponent shall be responsible for preparing a planting and landscaping plan and implement and maintain the plan for all leased lands.

# 3. RISK ALLOCATION

## *3.1 Overview*

All responses are to be prepared by, and at the expense of each proponent. The City is not responsible, in any respect for any expenses, damage, loss or liability incurred by a proponent, or for any plans, drawings, specifications, studies or analysis prepared for or by the proponent in regards to its submission.

## *3.2 Sample of Allocation*

The following is a sample of intended sharing of risks associated with items contained in this RFP. The list represents the City's position and likely direction regarding risk allocation and is presented as a basis upon which risk strategy propositions should be prepared.

| Risk Category | Risk Allocation |
|---|---|
| Adherence to project specifications | Proponent |
| Cost of submission | Proponent |
| Environmental compliance | City |
| Site servicing | City |
| Servicing connections to development | Proponent |
| Determination of community standards | City |
| Establishment of quality standards | City |
| Project concept development and complex design | Proponent |
| Design approval | City |
| Quality management | Proponent |
| Construction management | Proponent |
| Environmental approvals | City/Proponent |
| Public consultation | City/Proponent |
| Project financing | Proponent |
| Project management (property and selected service mgmt.) | Proponent |
| Park management | City |
| Financial risk associated with operations | Proponent |
| Quality audit | City |
| Ongoing quality improvement | Proponent |

# 4. BUSINESS OPPORTUNITY

## *4.1 General*

Hamilton's key objective for exploring a public-private partnership for development and operation of waterfront amenities at Bayfront Park is to deliver to the community a full range of retail and public amenities/attractions, which provide the City a financial return on its current investment in the project while minimizing the need for additional government funding. Furthermore, the City wishes to enhance the attractiveness of the site, its facilities, and the leisure experience of the water front visitor. As described earlier in this RFP, the City believes the project would benefit from the joint resources and expertise offered through partnership between the public sector and a qualified private proponent.

## *4.2 Ownership Issues*

The lands designated for the proposed development will remain under City ownership.

Depending upon the nature of the proposed concept, the complex may be owned by the proponent, the City, an independent third-party or an alternative ownership model proposed in the submission.

Ownership issues and the implications associated with different approaches will be a matter of negotiation and will be subject to approval by the City Solicitor.

## *4.3 Land Lease Agreement*

It is the City's desire that the opponent enter into a land lease agreement satisfactory to the City Solicitor. The terms of the lease will be finalized with the successful proponent during the negotiation stage of this process.

The City is currently involved in several land leases with various community organizations, not-for-profit groups, and commercial ventures. To assist proponents in developing an understanding of the City's predisposition associated with land leases, the following items illustrate the application of existing approaches on a potential land lease agreement in Bayfront Park.

i) <u>Grant</u>

- ***• Lands leased include. ???

ii) <u>Term</u>

- 10 to 20 years depending on extent of leasehold improvements proposed in

addition to improvements required. Available term will depend on many factors including the type of use proposed and the site improvements, which proponents intend to make. Proponent should specify desired terms.

iii) Rent

- To be negotiated.
- Type of use will reflect cost of rent.
- Rent net to City: Proponent is responsible for costs of operations(realty taxes, maintenance (including weed removal, snow removal telephone, hydro...)

iv) Improvements

See 5.1 "Site Requirements and Design Principles".

v) Mortgage Clause

- The City will contemplate an agreement, which provides the proponent with a right to mortgage the agreement under terms acceptable to the City.

vi) Insurance

The following are the City's usual requirements for commercial entrepreneurs; however, proponents should be aware that specific insurance requirements might be increased depending upon the nature of the proposed use. The requirements set out below are minimums only and shall not be taken as binding by the City.

- $3,000,000 Comprehensive General Liability Insurance per occurrence providing for the City as additional insured (this is the standard requirement for commercial user groups and Tenants of the City)

- If obtaining a Special Events permit in order to serve alcohol (ie:AquaFest beer tent) then to increase insurance to $5,000,000 and show liquor liability and products liability coverage (City standard).

- Fire insurance on buildings.

vii) City Right to Inspect

- City has the right to inspect the buildings and lands for state of repair and the City will retain an unfettered right to enter onto the land to bring the facilities into proper repair.

ix) Assignment

- Proponent cannot assign or sell business without consent of the City.

# 5. PROPOSAL CONDITIONS

## *5.1 General*

Proponents are required to make submissions responding to the proposal conditions as set out in the following sections. It should be understood that the conditions have been established in accordance with the City's expectations for the project and provide specificity to the project goals, objectives, and planning principles defined earlier in this RFP. Proponents are at liberty to propose deviations to certain conditions; however are advised to provide supporting rationale and justification regarding the introduction of alternative approaches.

## *5.2 Site Requirements and Design Principles*

Proposals may include supporting services, which are specified below. In addition, submissions should address and be consistent with the design principles and other parameters described in the following sections.

It should be noted that design discussions and review will be held with the selected proponent(s) and all final designs will be subject to City (and other jurisdictional authority) approval.

i) All supporting site infrastructure and utilities to service the project must be included as part of the proposed project and designed and constructed to the satisfaction of the City and all authorities having jurisdiction, (including, but not limited to, hydro, water distribution, waste water collection systems, heating, and parking). Such site services, uses, and utilities should be located within the complex.

ii) The proposed project must be self-sufficient in terms of parking available on site and is not to affect or spill-over onto adjacent roads or other existing parking facilities in the vicinity. The proponent will be required to establish appropriate operations, mechanisms and controls to monitor and manage parking to ensure the project's operation does not negatively impact the adjacent neighbourhood.

iii) Residential uses and high-density development will not be allowed.

iv) Attractive landscaping of all buildings, structures, parking areas, and service facilities areas must be provided.

v) All buildings, site grades, trails, promenades, driveways, parking, washrooms, among

other facilities, must be accessible to, and incorporate facilities designed or dedicated to specifically accommodate people with physical disabilities.

vi) The extent of private/security fencing is to be minimized where possible through creative landscaping, facility operations or management approaches. The intent is to maintain visual integration of those areas as being within the public realm.

vii) Any special outdoor events, shows or major programming should not conflict with existing community events or festivals held in the adjacent park, and must be approved by the City. Proponents are encouraged to work with existing festival organizers to coordinate timing of events, contribute to or enhance existing programs, and to share facilities or site areas.

viii) All buildings and structures including support facilities, signage, and site furnishings are to be attractive and should be designed in accordance with the architectural and site furnishing of the adjacent parks. Exterior benches and public trash receptacles provided by the proponent must conform in style, model, and colour to those being provided by the City.

ix) Exterior signage on buildings or structures should be kept to a maximum of 10% of the front facade of the first story of the building or structure. All exterior signage for identification or directional purpose will be incorporated into the parks signage policy.

x) Extensive flood lighting is to be avoided. Any exterior flood or security lighting of critical areas will be directed down and away from adjacent residents.

## *5.3 Roles and Responsibilities - Capital Asset Design and Construction*

In preparing proposals, proponents should be aware of the City's preferences as to the roles and responsibilities of the proponent and the City during the design, construction, operation, and maintenance of the project. This information is in support of the Risk Allocation items presented earlier in this RFP.

### 5.3.1 The Proponent

The items below represent the proponent's roles and responsibilities for the capital works component of the project.

i) The financing, design and construction of all project components, including any associated services, utilities, or other support facilities; including but not limited to hydro, heating services, water distribution and wastewater collection systems, on site stormwater

management systems, and including any upgrades or improvements to existing municipal services or utilities which may be triggered by the proposed project.

ii) Payment of any and all applicable development charges and fees, local improvement charges, deposits, assessments, connection charges, inspection fees, application of processing fees and other charges of the appropriate authorities.

iii) Identifying and obtaining any and all approvals, permits, licenses, certificates, authorizations, agreements, plans, among others and satisfying all legislative requirements and laws of all levels of government and all authorities having jurisdiction relating to the approval of the project, its design and construction. The selected proponent should also be prepared to attend at least one public open house meeting to present their project plans to the public.

iv) Undertaking and coordinating construction in an orderly and timely manner. The City will require that all project construction be completed in accordance with the approved development schedule and in compliance with all pertinent legislative requirements and performance parameters to be specified in the contract.

v) The provision of all surveys, (e.g. boundary, topography, foundation, and building location surveys, and reference plans) as required.

vi) The provision of appropriate performance and compliance securities to the appropriate authorities.

vii) Undertaking all material testing, determining and improving soil and subsurface geotechnical and environmental conditions, and contract and environmental impairment liabilities of facilities built by the project lands and complying with all quality control requirements of approval authorities.

vii) All costs of the project construction, including but not limited to any and all claims relating to the project such as project delays, litigation, and occupational health and safety liabilities.

viii) To provide a Performance Bond for 100% of the costs of the construction program and a Labour and Materials Bond in the amount of 50% of the total cost of the construction program, or an unconditional irrevocable letter of credit from a bank acceptable to the City in the amount of 150% of the total cost of the construction program.

5.3.2 City of Hamilton

The roles and responsibilities of the City include, but are not necessarily limited to:

i) Review and approve the architectural design and treatments including exterior colours and materials of buildings and structures, exterior design and thematic concept for signage packages, site furniture, and lighting.

ii) Review, approve, and monitor the design and construction of facilities to ensure they are undertaken in a timely and orderly fashion and completed to the satisfaction of the City and all authorities having jurisdiction.

iii) Approve construction techniques, facility locations, scale, design, and construction programs, including plans, drawings, and construction specifications and conditions.

iv) Inspect the construction of major capital facilities and infrastructure services.

v) Review and approval the issuance of wastewater and water service permits.

vi) Facilitate the successful proponent in obtaining any planning permits or other approvals.

vii) Arranging any public meetings.

viii) Ensuring that all construction is completed and on time and thereby will require the successful proponents ??? incomplete – type different from balance of section

## 5.4 *Project Operation and Maintenance*

### 5.4.1 The Proponent

The proponent will be responsible for the management, operation and maintenance of the entire project, including the following.

i) all operating costs, including those related to management staff expenses, realty, business and other taxes, licenses, utilities, lease fees, insurance, etc.

ii) costs related to a capital maintenance program, ongoing replacement of facilities, infrastructure and services needed to keep the facilities in good repair and condition to the end of the lease or contract period.

iii) development of operating procedures and standard acceptable to the City.

iv) maintenance of on-site water distribution, wastewater collection, heating and hydro, and storm water management systems.

v) the delivery of quality customer service to a standard acceptable to the City and capable of maintaining customers and clients, as well as a complaint resolution methodology consistent with industry standards.

vi) on-site parking management, control, and enforcement.

vii) marketing and promotion of the project, facilities, and services to attract and maintain customers, clients, visitors, and tourists.

viii) collection of all project revenues including tenant rents and user fees.

ix) collection and payment distribution of appropriate federal, provincial, local and regional taxes, charges, and fees.

x) full management services including accounting, purchasing, legal, and human resources.

xi) complete grounds maintenance, including litter collection.

xii) monitoring and maintaining the premises and grounds for public safety.

xiii) ensuring that tenants and other operators on the project site remain within limits/parameters established by the City .

xiv) providing and maintaining appropriate insurances for third party liability, property insurance, occupational health and safety liability, environmental impairment resulting from operations of the facilities of the project etc.

xv) meeting all present and future legislative health, safety and environmental standards.

### 5.4.2 City of Hamilton

The City must ensure a continuation, and a quality level, of service throughout the contract period and therefore, the City:

i) may require the proponent to provide operating securities representing an amount of 50% of one year's annual operating costs.

ii) will inspect the condition of the premises and facilities.

iii) will monitor facilities operations and capital facilities maintenance performance against pre-established measures.

iv) will review annual maintenance programs and any remedial work.

v) approve any proposed alternative or new uses or services.

vi) will monitor public complaints and responses of the proponent.

vii) will review for approval any proposed alterations to buildings or facilities.

viii) review for approval plans, designs and construction contracts for all major repair or enhancements or changes to site water distribution and wastewater collection systems.

ix) consider for approval any proposed special events, festivals, shows, sales, etc. including timing, location on the site, and the applicability of entrance fees.

## 6. DEVELOPMENT GUIDELINES

As mentioned in Section 2.5, the lands available for lease are subject to Site Plan Control By-law No.90-285, Zoning By-law No.06593, and Official Plan Special Policy No. A.2.9.3.3. It is the City's intent to encourage a proponent to develop high quality amenities that are compatible with the architectural and landscape architectural character of Pier 4 and Bayfront Parks and the adjacent neighbourhood.

The following development guidelines have been prepared for the Bayfront Park area:

Building Style: Small detached building

Height: Two and a half storeys

Groupings and Setbacks: to be determined

Theme:

The Victorian architecture of the designated buildings (433, 455, 469 Bay Street North) and the Gartshore Thomson Building in Pier 4 Park influence the Macassa Bay area. The other predominant architectural style in the neighbourhood is cottage style homes with horizontal wood siding. All new buildings should match these styles of architecture with gabled roofs and wooden verandas where appropriate.

Materials and Colour: Red brick construction with Victorian-style wood verandas gingerbread, ornamental woodwork or white clapboard with horizontal wood siding.

Open Space: Any buildings placed in Bayfront Park shall offer views to the bay.

Streetscape: The current streetscape featuring a 6m-wide (20 ft.) asphalt paved walkway and harbour-front lights, shall be maintained. Benches, trash containers and other site furnishings provided by the proponent shall match those installed in Pier 4 and Bayfront Parks.

Landscaping: The landscaping of the site should be in a manner consistent with that in Pier 4 and Bayfront Parks. The use of flowerbeds is encouraged. The City's Parks Division shall approve landscaping.

# 7. SUMMARY OF PUBLIC AND PRIVATE COMMITMENTS TO THE WEST HAMILTON HARBOUR PRECINCT

## *7.1 Public Sector Initiatives - Environmental*

The Remedial Action Plan for Hamilton Harbour is a plan to improve water quality and habitat in Hamilton Harbour and Cootes Paradise, to re-establish a healthy aquatic ecosystem, and to improve the potential for more extensive recreational uses while maintaining the harbour's essential economic function. This is a long-term plan that involves the active participation of all levels of government, related agencies, and private sector partners having an interest in the harbour. Component projects meeting the objectives of RAP, since 1989, are listed below:

| | | |
|---|---|---|
| Fish and Wildlife Habitat Restoration Project | Federal/Provincial/Municipal | $5.5M |
| Bayfront Park site remediation | Provincial/Municipal | $7.5M |
| Combined storm sewer Overflow tanks – four Locations | Federal/Provincial/Municipal | $47.OM |
| Various other projects | Federal/Provincial/Municipal | $15.OM |
| Total expenditures since 1989 | | in excess of $75.0 million* |

(* totals include projects having an impact on the West Harbourfront area, but located outside of its boundaries)

### 7.1.1 Parks, Recreation and Open Space

An established network of parks, trails, and recreational facilities provide residents and visitors with opportunities to return experience Hamilton Harbour and enjoy its spectacular views. The West Harbourfront area offers 46 ha. (114 ac.) of developed parks and natural open space lands, and 5 km (3 mi.) of developed trails. Nearby, the Royal Botanical Gardens and Carroll's Point encompass another 1093 ha. (2700 ac.) of natural open space making this area one of the most picturesque in Southern Ontario. Recent construction projects are listed below:

| | | |
|---|---|---|
| Bayfront Park Development | Provincial/Municipal | $2.3M |
| Pier 4 Park Development | Provincial/Municipal | $2.2M |
| Harbour West Marina Complex | Federal | $3.5M |
| Desjardins Trail Development | Federal/Municipal | $0.5M |
| James Street North Parkette | Municipal | $0.1M |
| Waterfront Trail acquisition and Development | Municipal | $7.0 M |
| Parks, Recreation and Open Space Total | | $8.6 M |

### 7.1.2 Tourism

Hundreds of attractions are available within a 65 km (40 mi.) radius of the Region of Hamilton-Wentworth for the enjoyment of all ages. World-renowned Royal Botanical Gardens, art galleries, historic homes, and museums are adjacent to the West Harbour front area. The following is a list of some recent expenditures on attractions in the West Harbourfront area.

| | | |
|---|---|---|
| Worker's Heritage Centre | Provincial/Municipal | $2.4M |
| Multicultural Gardens (planning) | Municipal | $0.3M |
| AquaFest Annual Waterfront Festival | Municipal | $0. 1M |
| Dundurn Castle Restoration | Provincial/Municipal | $4.4M |
| Tourism Total | | $7.2 million |

### 7.1.3 Urban Renewal

Implementation of master plan studies, fully involving the public participation process, have resulted in green, landscaped, pedestrian-oriented designs that recognize the diversity of individual neighbourhoods. These improvements provide linkages between neighbourhoods, the urban core, and the harbour area. Listed below are r

| | |
|---|---|
| Hamilton Harbour Improvements by Local Industry<br>- Stelco and Dofasco (Total expenditures since 1990) | $60.0M |
| Sediment Remediation<br>- Private Sector | $4.0M |
| **Private Sector Initiatives Total** | **$64.4M** |

## 8.0 PROPOSAL SUBMISSION AND SELECTION PROCESS

This section outlines the proposal submission particulars and the process leading to the selection of the successful proponent.

### *8.1 The Selection Process and Committee Composition*

The City is conducting a three-stage selection process with this Request For Proposal representing the start of the second stage as described below.

- Stage One involved a number of proponents submitting a Letter Of Interest outlining their development concept, qualifications and experience, relationship structure, financial capabilities, and proposed relationship with the City. Successful proponents were recommended to proceed to Stage Two.

- Proponents chosen to proceed to Stage Two will produce comprehensive proposals, which will both refine and describe their concepts and development plans in more detail. The City's Selection Team will evaluate the proposals, inclusive of a proposal presentation, and submit a recommendation regarding the selected proponent to Council for approval.

- Stage Three is the final stage of the process and involves the negotiation of the final agreement(s). This agreement(s) will be negotiated using accepted business principles for the development of the preferred facility and service concept. The City may wish to negotiate some adjustments or additions to the selected proponent's concept, which may be in keeping with facility or leisure service requirements to meet community needs.

    - A Selection Committee ("The Committee") will be comprised of the following members:

        > Department of Public Works and Traffic – Parks Division
        > Community Planning and Development
        > Community Services
        > Corporate Services (Legal Services/Facilities Management)
        > Finance

      In conducting their evaluation, the Committee may solicit advice from outside professional advisors or consultants as it or the City considers useful.

    - A Negotiating Committee will be composed of a representative from various City

Departments and consultants as necessary:

*8.2 Submission Particulars*

*8.2.1 Number of Copies of Proposal:* ___???_____

*8.2.2 Address of Submission:*

Purchasing Division
3rd Floor
Corporation of the City of Hamilton
50 Main Street East
Hamilton, ON
L8N 1E9

Neither late nor faxed submissions to this Stage Two Request For Proposal will be accepted.

*8.2.3 Submission Deadline: on or before 3:00 p.m.* _____

*8.2.4 Transmittal Letter:* Proposals must include a transmittal letter, stating the name of the Principal responding firm, address, telephone number and fax number of the person (name and title required) authorized to negotiate on behalf of the submitting party. The transmittal letter must be signed by the specified individual, and should also identify all organizations participating in the response, and their relationship to one another.

*8.2.5 Executive Summary:* Proposals must include an Executive Summary of a maximum of 4 to 5 pages, containing an overview of the proponent's concept, understanding of the project, and methodology of development and operation.

*8.2.6 Staff Contacts:* For technical and process inquiries contact:

Mr. Werner Plessl
Co-ordinator, Parks Development and Maintenance
Public Works and Traffic Department,
Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4
Telephone: (905) 546-3923 Fax: (905) 546-2443
E-mail parksdev@interlynx.net

Proponents are advised that contact regarding this project with any person other than identified above is strictly prohibited and may result in disqualification. Without limiting the generality of the foregoing, proponents shall make no attempt to contact any member of the Selection Committee, advisors to the Selection Committee, any staff of the City of Hamilton or any member of Hamilton Council or their staff.

Disqualification as a result of the above may be made at anytime in the selection process and at the sole and absolute determination of the Selection Committee.

In order to ensure fairness and openness in the selection process, representatives of the City and its advisors will not hold private meetings or conversations with respect to the RFP with any representatives of proponents, other than to seek clarification of proposals or as part of the selection procedure such as proponent interviews.

*8.2.7* ***Addenda***: After reviewing the RFP document, proponents are encouraged to report and request clarification of any discrepancy, ambiguity, or inconsistency. All requests for information with respect to this RFP should be directed to Mr. Werner Plessl (faxes accepted). If such requests result in a change to the requirements of this document, the City will prepare and issue an Addendum to this RFP. The deadline for receipt of all questions is _____.

All responses to such requests will be issued within 10 days to all proponents. A written request for additional clarification received after this date may be responded to at the sole discretion of the City.

*8.2.8* ***Evaluation for Completeness***: Proposals will first be evaluated for completeness as per the Request For Proposal. Proponents submitting proposals deemed not to be complete will be notified and proposals will be returned immediately.

*8.2.9* ***Evaluation and Selection Criteria:*** The Committee will evaluate proposals using a formal assessment template. Selection criteria based upon the Partnership Principles described in Section 1.7, proposals will be used to evaluate proposals and to assess their ability to meet the service and financial objectives outlined in this RFP. The evaluation of proposals will be solely in the City's discretion. The Partnership Principles in addition to other factors as may be adopted by the City, will be used to determine the relative desirability of individual proposals, deemed to be complete following the initial evaluation described above. Relevant criteria information appears in the appendix and will be distributed at the Bidders Conference.

*8.2.10* ***Bidders Conference:*** Members of the Selection Committee will respond to all questions at the bidders' conference. Proponents are forewarned to prepare questions in advance for this meeting. Queries will not be entertained prior to or following this meeting. Answers to questions that could not be properly fielded at the conference will be faxed to all proponents in the form of an addendum.

*8.2.11* ***Proposal Presentations:*** Following the evaluation of written proposal, proponents will be offered an opportunity to present their propositions to the Selection Committee. The results of the formal presentation will be combined with the outcome of the evaluation of the written proposals to select the most appropriate partner candidate.

*8.2.12* ***Project Negotiation Process and Timing:*** Following the evaluation of proposals, all proponents will be notified in writing that the evaluation process is complete and that the City has commenced negotiation with a selected proponent. Negotiations will proceed until an agreement is reached, at which point, a staff report will be presented to Council. The successful proponent, recommended for the project, must enter into a written contract with the City prepared by the City Solicitor. Should negotiations with the selected proponent be discontinued, the City reserves the right to open discussions with other proponents.

*8.2.13* ***Proposal Evaluation Schedule:*** The following dates are subject to change by the City in its sole discretion:

| | |
|---|---|
| Issue Request for Proposal | _____ |
| Bidders Conference | _____ |
| Deadline for Written Questions | _____ |
| Proposal Submission Deadline | _____ |
| Recommended Proponent | _____ |

*8.3 Other Matters*

*8.3.1* ***Accuracy And Completeness Of Information:*** All information is assumed to be accurate. Any evidence of false or intentionally misleading information may lead to the rejection of the proposal. The City may act at its sole discretion to determine if information provided is false or intentionally misleading. No adjustments to proposals will be considered after the closing date and time. An authorized signing officer of the proponent company and each of the equity and management partners must sign off proposals. All proposals must be complete. Proposals not deemed to be complete will be rejected. Proposals submitted are irrevocable by the proponent and will remain in effect for a period of 120 days after the submission closing date.

*8.3.2* ***Confidentiality of Submissions:*** All information will be considered highly confidential, subject to the provisions and the disclosure requirements of the Municipal Freedom of Information and Protection of Privacy Act, and any other disclosure requirements imposed by law. All contents will be considered as proprietary rights of the proponent. Representatives of the City's Finance Division, who will provide a brief summary to the City Selection Team with respect to the financial ability of the proponent to undertake the project, will review information related to financial information. The City will have the right to make copies of all proposals received for its internal review process and to provide such copies to staff, advisors, and representatives.

*8.3.3* ***Clarification of Proposals:*** The City is not obligated to seek clarification of material contained in a proposal, but reserves the right to do so. While only proposals deemed to be complete in accordance with the Request For Proposal will be considered for evaluation, the City

reserves the right to request clarification of contents, philosophy, approach etc. The City may choose to obtain this clarification verbally, in writing or in a face-to-face meeting. All requests for clarification and clarifications will be documented by staff and forwarded to the proponent. The proponent must immediately respond to any disagreement with written points of clarification in writing. All communication with respect to individual proposals will be completely confidential between the proponent and the City. Proponents are prohibited from initiating contact with the City other than as provided for in this RFP and any attempt to do so may result in immediate disqualification. All information submitted in response to a request for clarification becomes part of the proposal.

*8.3.4* ***The City's Right to Reject Any or All Proposals:*** The City reserves the right to reject any or all proposals based on incomplete information, inaccurate or misleading information, or if proposals are apparently incompatible with the City's desired approach to partnering for the development and operations of the waterfront amenities at Bayfront Park. The City also reserves the right to discontinue the evaluation process if in the sole determination of the City, proposals do not represent a relationship into which the City is prepared to enter.

*8.3.5* ***Right to Cancel:*** The City is not bound to accept any proposal and may proceed, in its sole discretion, based upon what it determines following receipt of proposals. The City reserves the right to accept or reject all proposals in whole or in part; at any time add, delete or modify terms or conditions included in the RFP, and to require all proponents to advise the City of the effect on their proposal of any such changes; issue a second RFP; or decide at any time not to proceed with this RFP.

*8.3.6* ***Tax and Legislation Matters:*** The City makes no representations, warranties or undertakings concerning the tax position, including municipal property and business taxes, or legal consequences of any structure proposed by the proponent with respect to any proposal. The acceptance of any proposal does not constitute a warranty or undertaking by the City as to any tax of legal consequences. Proponents are required to satisfy themselves as to the tax and legal consequences of its proposal. Each proponent must clearly outline in the Financial Plan, any specific tax issues associated with its proposed business structure. Any tax structure proposed by a proponent must comply fully with the provisions of all Canadian and Provincial tax law. Requests for special tax or other legislative concessions will not be entertained. In reviewing the Financial Plan submitted by a proponent, the City will assess the acceptability of any Financial Plan or structure which may require, or is based on, obtaining tax rulings; however, the City reserves the right to reject any business plan which is conditional upon obtaining such rulings.

*8.3.7* ***Ownership and Copyright:*** All materials and information prepared, produced and delivered to the City in the preparation of the proposal and the negotiation and performance of any agreement(s) by the proponent, shall be the sole property of the City.

*8.3.8* ***No Collusion:*** In participating in this RFP, the proponents will not discuss or

communicate, directly or indirectly, with any other proponent or any servant, agent or representative thereof, respecting the preparation or presentation of their proposals. Each proponent's proposal shall be submitted without any connection, knowledge, comparison of figures or arrangements with any other proponent or servant, agent or representative thereof and each proponent will be responsible to ensure that its participation in this process is conducted fairly and without collusion or fraud.

*8.3.9* ***Waiver***: The City does not accept responsibility for any information or any errors or omissions, which may be contained in this RFP, or the schedules, data, materials or documents disclosed or otherwise provided to the proponent pursuant to this RFP. The City makes no representation or warranty, either expressed or implied, in fact or in law, with respect to the accuracy or completeness of this RFP or such schedules, data, materials or documents, and the City shall not be responsible for any action, cost, loss or liability whatsoever arising from the proponent's reliance or use of this RFP or any other technical or historical schedules, data, materials or documents provided by the City. The proponent is responsible for obtaining its own independent financial, legal, accounting, engineering, and technical service advice with respect to any information included in the RFP or in any schedules, data, materials or documents provided or required by the City.

*8.3.10* ***Proponent's Costs:*** All costs and expenses incurred by proponent relating to the proposal and any negotiations with the City will be borne by the proponent. The City is not liable to pay such costs or expenses or to reimburse or compensate proponents under any circumstances, including the rejection of any or all other proposals. The City will not accept responsibility for any delays or costs associated with any reviews or approval process.

*8.3.11* ***Public Announcements:*** Proponents shall not issue news releases or other public announcements pertaining to details of their proposals or the selection process without the prior written approval of the City.

*8.3.12* ***Errors or Omissions:*** It is understood and acknowledged that while the Request For Proposals includes specific requirements, a complete review and recommendation is required. Minor items, not herein specified but obviously required, shall be provided as if specified. Any misinterpretation of requirements within this proposal shall not relieve the proponent of the responsibility of providing the services as aforesaid.

*8.3.13* ***Conflict of Interest:*** The proponent and City staff are to discuss any conflict of interest they may have before undertaking the work outlined in this submission. An employee of the Corporation of the City of Hamilton shall not have a direct or indirect interest in a company or own a company, which sells goods or services to the City. All proponents submitting proposals to the City of Hamilton shall disclose to the City any potential conflict of interest. If such a conflict does exist, the City may, at its discretion, withhold the award of contract from the proponent until the matter is suitably resolved. Further, if during the performance period of the

awarded contract, another client engages the proponent, giving rise to a potential conflict of interest, the proponent shall so inform the City. If the City deems that a significant conflict of interest exists, then the proponent upon being so informed by the City shall refuse the new client's engagement or shall take such other steps as are necessary to remove the conflict.

## 9.0 PROPOSAL STRUCTURE

The proposals must include content and elements described in this Request For Proposal. Proponents are encouraged to structure their proposals in the following fashion:

### *9.1 Corporate Overview*

This section of the proposal should include the following.

- names, addresses, business phone numbers, fax numbers, and e-mail addresses of all principals of the company submitting the proposal, including all companies in a consortium.

- an overview of the company's corporate structure and number of staff.

- the primary areas of work, corporate mission, and objectives of the proponent.

- a listing of all directly related experiences, including roles, budgets, and contacts of who may be called for references purposes to be included in the appendix of the document.

- primary contact for the proposal, including name, address, business phone, fax numbers, e-mail address, position in the company, and specific experiences related to a project of similar scope and nature.

- financial information including an indication of the proponents ability to arrange financing, credit capacity, evidence of sufficient bonding capacity, disclosure of liens against the company, amount of liability insurance proposed to be held by the company must be included in a sealed envelope, under separate cover. The City may undertake an evaluation of the proponent's financial position using external professional assistance. Confidentiality will be strictly maintained.

### *9.2 Concept Overview*

- *Project Concept and Description*: the City is interested in the development and operations of amenities/attractions to enhance the Bayfront Park and to serve the needs of park users. It is anticipated that proponent concepts will include a combination of retail and commercial spaces accommodated in buildings conforming to the design guidelines outlined in this RFP, passive

and active recreation opportunities, special events facilities as well as other creative and innovative features that will enhance the financial viability of the project. The proposal must include concept drawings outlining the size and relationship of the individual buildings, features and associated spaces. In text and in concept drawings the proponent must indicate parking provisions, external landscape design, general appearance materials, and other conceptual components as appropriate.

- *Target Market of Proposed Facilities and Services*: the City has not completed a formal Needs Assessment for the potential facilities or services contemplated for the Bayfront Park site. Therefore, a market assessment and anticipated capture area of the proposed facilities and programs inclusive of an indication of the anticipated participation by individuals and groups from outside the City is required.

- *Viability and Feasibility Analysis*: an assessment of the concept's viability regarding capitalizing upon current or future markets as well as an indication of the current and future competitive environment associated with the proposed facility components and services should be provided.

- *Anticipated Impact Local Service Providers*: the proponent should estimate the impact of the new development on local businesses and current service providers in the vicinity of Bayfront Park. Including a strategy to minimize negative impact on existing businesses would be advisable.

- *Public Consultation and Staff Input*: the proposal should offer suggestions regarding the proponents desired approach to receiving public comment and stakeholder input into the concept design and development approach. The proposal should also include the proponent's strategy for involving staff in the concept development process.

- *Compliance with Hamilton's Corporate Values and Philosophy*: the proposed facility concept and operating strategy for the project must fit with the City's value and philosophy for the provision of park and related services. The proposal should outline the proponent's understanding of this fit and where necessary, the manner in which the philosophical approach to service delivery will be protected.

- *Proposed Risk Allocation and Management*: the proposal should outline the proponent's risk management plan with respect to risk protection related to staff management, tenant relations, program provision, leisure service clients, facility maintenance, and use of the facilities by groups and organizations.

The proposal must demonstrate an understanding of and conformity to provincial and municipal labour and safety laws and requirements. An understanding of the need to comply with Hamilton's Zero Tolerance For Violence Policy should also be outlined. Linked to the proposed partnership structure, methods of limiting risk exposure such as adherence to accepted operating specifications and ongoing facility maintenance and security initiatives should be defined. Roles and responsibilities of both the private partner and the municipality should be described.

- *Proposed Contribution from the City*: it is an objective of the City to enhance services to residents while at the same time minimizing costs to the taxpayer. Further, the City has clearly identified its desire to limit further capital contributions to the project. The proposal should clearly outline the proponent's expectations with respect to the City's financial and resources contribution.

- *Ownership of the Facility*: the proposal should outline the proposed ownership arrangement both in the immediate future and in the long term. Proposals that include unique and creative relationships and that enhance the financial return to the municipality will be provided favourable consideration.

- *Proposed Relationship With The City*: the proposal must clearly define the expected partnership arrangement with the City. This overview should identify the roles and responsibilities of the proponent and the City, with respect to day-to-day management (if any) of the facility(s), capital maintenance and conservation and information to be provided on an annual basis to update the City on all aspects of the operation. It is important that any ongoing responsibilities of the City be identified with respect to staff and other resources. Program, support, maintenance, and other activities that will be sub-contracted must be identified, along with an indication, if known; of to whom these areas will be subcontracted (the City may wish to approve subcontracted services).

### *9.3 Development and Construction*

- *Proposed Development And Construction Plan*: the proposal must outline all development related issues including project staging and timing. Only concept drawings are required at this stage, but design and construction process and schedules must be provided.

- *Anticipated Approval Requirements*: all required approvals including, but not limited to zoning, servicing, financing, environmental assessments, building

permits, and Official Plan Amendments must be identified. Anticipated timing of approvals and requirements for City staff participation must be identified. Potential OMB hearings must be noted and incorporated into the timing projections.

- *Proposed Capital Costs*: the proposal must identify all capital costs including design, site development, construction, professional fees, furnishings, landscaping, and contingencies. The basis for these costs and comparable recent projects must be provided.

- *Proposed Method of Capital Financing*: proposed method of financing the capital costs must be clearly outlined and explained. The capital-financing plan must identify equity partners and level of equity, debt financing, anticipated interest rates for debt financing must be noted, and an indication of ongoing debt costs included in the operating pro forma.

- *Proposed Timeline for Development*: the proposal must clearly outline the timing for full implementation of the project including all key milestones for capital financing arrangements, required approvals, design, construction, landscaping, etc. This timing must be realistic and identify timing flexibility with respect to delays in approval processes.

### *9.4 Business and Operating Plan*

- *Proposed Service And Program Model*: the proposal must outline the services and programs to be provided including hours of access for specific groups; seasonal program focus; and anticipated events. The proponent's philosophy, approach to customer service, and quality control should be outlined.

- *Proposed Operating Structure*: the proposal must describe the operating and management plan for the facility(s) including an outline of organizational structure, key management personnel and their duties, relationship of on-site managers to the Company, description of the relationship of other investors in the operation and management of the facility(s). The expected participation of the City in the management and operation, including a liaison role, must be outlined. The experience and qualifications of the proponent's key management personnel must be identified. These may be specific to individuals currently in place or, if hiring is necessary, the experience and qualifications of future personnel must be indicated.

- *Proposed Pricing And Rent Structure*: the proposal must outline the proposed pricing and rent structure for various users and tenant groups. This structure

should note anticipated annual increases in pricing over the first ten years of the project's operation. Justification, based on market forces should be provided.

- *Projected Revenues And Expenses*: a ten year operating pro forma showing all expenses and revenues must be provided. Debt repayment (including principal and interest payment with interest payments over the long term using reasonable projection of rates), management fees, dividends, bonuses, and asset maintenance costs etc. should be included. Depending on the proposed relationship with the City, municipal costs associated with staff liaison as well as administrative overhead expenses should be budgeted.

- *Proposed Marketing Plan*: the marketing plan must provide details relating to marketing strategy, market forces, promotions and merchandising as well as other innovative marketing approaches. The marketing plan must be consistent with the needs assessment and reflect the proponent's strategies for a 3 year period.

- *Preferred Dispute Process*: the nature of the proposed partnership with the City will have an impact on the City's role with respect to an ongoing dispute process to resolve issues between the proponent and community users. It is recognized that the dispute process, facility use, and the City's role in this process must reflect the degree of involvement that the City has in this project.

- *Proposed Capital Conservation Strategy:* The proposal must also outline the proposed capital conservation and improvement program over a twenty-year period including ongoing asset repair and maintenance activities and capital infrastructure reserve commitment.

# LIST OF REQUIRED APPENDICES

- City Park Map
- Department of Culture and Recreation Mission, Mandate, and Goal Statements ????
- Location Plan
- Plan of Available Site For Development
- Official Plan Special Policy A2933
- F District Requirements of Use
- Figure illustrating 150W Hps lights
- Building renderings
- List of Applicable Policies that will govern operations
- Zero Tolerance of Violence Policy
- Evaluation Criteria
- Event Foot Traffic Estimates
- List of Annual Events in Bayfront Park/Event Visitor Profiles

Appendix "C" as referred to in
Section B-4(b) of the
Committee of the Whole
Report of September 5, 2000

City of Hamilton

# PUBLIC / PRIVATE PARTNERSHIP TO DEVELOP AND OPERATE WATERFRONT AMENITIES AT BAYFRONT PARK

## EVALUATION CRITERIA

The JF Group

# *MEMORANDUM*

***DATE:*** August 28, 2000

***TO:*** Mr. Bob Chrystian

***FROM:*** John Frittenburg

***RE:*** Bayfront Evaluation Criteria

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As requested, please find attached the proposed evaluation criteria for the Request For Proposal related to the Public Private Partnership to Develop and Operate Waterfront Amenities at Bayfront Park. The criteria are linked directly to the planning principles and other relevant issues that are explained in the RFP document.

Please do not hesitate to contact me if I can provide anything further.

---

*116 Mineola Road West, Mississauga, Ontario, L5G 2C2 (905) 271-2247 Fax (905) 271-7474*
*e-mail: jfgroup@istar.ca*

**PROPOSED EVALUATION CRITERIA**

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## *Overview*

Each submission will be evaluated in several areas using predetermined, weighted criteria, linked to planning principles and relevant issues described in the Request For Proposal document. Proponents will have an opportunity to discuss the criteria at the mandatory bidders meeting.

## *Evaluation Criteria*

### Corporate Information

- Financial capacity and stability
- Design capabilities
- Construction capabilities
- Operating capabilities

### Proposed Concept

- Concept quality
- Feasibility and market analysis
- Risk allocation
- Proposed relationship with the City

### Development and Construction

- Development plan
- Proposed capital cost
- Proposed timing

### Business and Operating Plan

- Service and program plan
- Operating structure
- Business arrangement
- Marketing plan

---

## PROPOSED EVALUATION CRITERIA

### Financial Proposal

- Proposed municipal capital contribution
- Revenue and cost projections
- Capital and financing plan
- Capital conservation plan
- City's financial and related benefits

### General

- Submission quality

# The Chrysanthemum Show

Appendix "D" as referred to in Section B-7(c) of the Committee of the Whole Report of September 5, 2000

## Mission Statement

To foster and promote opportunities for the City of Hamilton to celebrate its official flower – the Chrysanthemum and advance economic and community well being through the development of partnerships and strategies designed to enhance the visitor's experience and broaden the City's marketability and vatue to tourists and the horticultural community, respectively.

## Goals

To stage an annual event based first and foremost on the City's collection of over 175 varieties of Chrysanthemums.

To develop the event as a major floral display recognizing the value and historical significance of the existing collection.

To ensure the event is always in the best interest of the taxpaying public, show sponsors and supporters and visitors.

## Objectives

Establish and maintain accurate records of the City's collection of Chrysanthemums.

Develop a network of contacts for the purpose of expanding the collection, facilitating research and development of new / hybrid varieties and otherwise promoting the City's collection.

Undertake annual visitor survey using a variety of techniques (ie. on site, post-show telephone contacts) in order to determine and evaluate the responsiveness of the production to visitor expectations and economic benefits back to the community.

Develop and maintain strategic partnerships for the purpose of enhancing the visitor experience without compromising the floral display as a show "centrepiece, keeping the cost of admission affordable and achieving, as a minimum, full cost recovery and zero dependence on the municipal tax levy.

# REPORT

## CITY OF HAMILTON
## LICENSING COMMITTEE

**Wednesday, August 23, 2000**
**6:00 p.m.**
**Room 219, Hamilton City Hall**
**71 Main Street West, Hamilton**

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| | |
|---|---|
| **Present:** | Alderman F. Eisenberger (Chairperson), Alderman D. Haining, N. Mleczko, D. Drury |
| **Regrets:** | Alderman B. Kelly - Vacation |
| **Also Present:** | D. Rose, D. Beck, S. Glover |

Alderman F. Eisenberger, Chairperson, called the meeting to order.

**THE CITY OF HAMILTON LICENSING COMMITTEE PRESENTS REPORT 05-00 AND RESPECTFULLY RECOMMENDS:**

1. **Husham Mohammed – Taxi Cab Driver Licence** (Item 4.1)

   That the Taxi Cab Driver Licence application of Husham Mohammed be denied until Mr. Mohammed obtains a Class G Driving Licence issued under the Highway Traffic Act.

2. **Jagtar Singh Chahal – Taxi Cab Driver Licence** (Item 4.2)

   That the Taxi Cab Driver Licence application of Jagtar Singh Chahal be granted subject to Mr. Chahal submitting an updated criminal record to the Issuer of Licences on September 5, 2001.

3. **Ahsan Kamboh – Taxi Cab Driver Licence** (Item 4.3)

That the Taxi Cab Driver Licence of Ahsan Kamboh be granted subject to Mr. Kamboh submitting an updated driving abstract to the Issuer of Licences on January 5, May 5, and September 5, 2001.

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**FOR THE INFORMATION OF CITY COUNCIL:**

(a) **Declarations of Interest** (Item 1)

None declared.

(b) **Adoption of Minutes – April 26, 2000** (Item 2)

That the Minutes of the meeting of the City of Hamilton Licensing Committee held on April 26, 2000 be adopted.

(c) **Requests for Reinstatement on Taxi Priority List** (Item 3)

The Committee received and approved requests from the following for reinstatement on the Taxi Priority List:

(i) Joe Kubina, 74 Oakridge Drive, Stoney Creek
(ii) Roger Franceoue, 315-1195 Fennel Aenue East, Hamilton
(iii) Daniel M. Bissett, 1243 Sable Drive, Burlington

(d) **Show Cause Hearings – Taxi Driver Licence** Item 4)

The Licensing Committee met in camera to hold Show Cause Hearings with regard to the following Taxi Cab Driver Licences:

(i) Husham Mohammed, 95 Hess Street South, #809, Hamilton
(ii) Jagtar Singh Chahal, 36 Russet Court, Stoney Creek
(iii) Ahsan Kamboh, 20 Congress Crescent, #612, Hamilton

Confidential background material pertaining to these matters was circulated to Members of Council under separate cover.

(e) **Taxi Cab Plate Renewal Procedure Appeals** (Item5)

The Committee received a verbal report from Doug Rose, Supervisor of Licences and agreed to defer this matter until the Taxi Implementation Task Force has made a decision in this regard.

(f) **Ratification of Licences (PDC00120)** (Item 6)

The Committee formally approved the Licence Reports respecting licence applications for the period from March 29 to June 20, 2000.

(g) **Other Business** (Item 7)

None

Note: The meeting of the City of Hamilton Licensing Committee adjourned at 7:00 p.m.

**Alderman Fred Eisenberger, Chairperson**
**City of Hamilton Licensing Committee**

**Stella Glover, Legislative Assistant,**
**August 23, 2000**

# REFERENCE REPORTS

**CITY OF HAMILTON**
**CITY COUNCIL**
*(available online at www.city.hamilton.on.ca./hccnet)*

**Tuesday, September 5, 2000**
**(immediately following the Regional Council meeting)**
**Hamilton Convention Centre**
**Chedoke Room**

**Kevin C. Christenson,**
**Acting Municipal Clerk**

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***Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.***

## TRANSPORT AND ENVIRONMENT COMMITTEE

**A-1** Routine Traffic Amendments to the City of Hamilton Traffic By-law 89-72 – City Committee of the Whole Meeting – September 5, 2000 (PWT00147)

**A-2** Locke Street Merchants Association – Street Festival – Saturday, September 9, 2000 (PWT00146)

**A-3** Ottawa Street B.I.A. – Street Fest – Saturday, September 30, 2000 (PWT00145)

**A-4** To Incorporate Certain City Land into Various Streets by By-laws (TOE00012)

**A-5** Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

A-048 A By-law to Incorporate City Land designated as Part 20 on Plan 62R-12060 into Chedmac Drive.

A-049 A By-law to Incorporate City Land designated as Block 73 on Plan 62M-747 into Falconridge Drive

A-050 A By-law to Incorporate City Land designated as Block 52 on Plan 62M-850 into Hepburn Crescent.

A-051 A By-law to Amend By-law No. 89-072 to Regulate Traffic.

A-052 A By-law to Amend By-law No. 89-072 to Regulate Traffic.

**A-6** Information Items:

(a) Minutes of the August 9, 2000 meeting of the Transport and Environment Committee

## PARKS AND RECREATION COMMITTEE

**B-1** External Posting for Historical Interpreter Position at Whitehern (CSC00117)

**B-2** Sale of Alcoholic Beverages - Turner Park - Looney Tunes 6th Annual Slo-Pitch Tournament (CSC00123)

**B-3** Sale of Alcoholic Beverages - Mohawk Sports Park - Hamilton Hornets Rugby Club (CSC00124)

**B-4** Authority to Issue Request for Proposals for Private Sector Partners to Develop and Operate Waterfront Amenities at Bayfront Park (PWT00145)

**B-5** Bayfront Park Entrance Gateway and Sign (PWT00148)

**B-6** Whitehern Historic House and Garden Name Change (CSC00121)

**B-7** Revised Mandate for New Mum Show Sub-Committee and Mission Statement, Goals and Objectives for Chrysanthemum Show

**B-8** Information Items:

(a) Event in Kay Drage Park - Approval of Parks By-law No. 95-126 (CSC00116)

(b) Vendor Agreement - Hamilton Harbour Waterfront Trail (PWT00129)

(c) Leash Free Area (PWT00138)

(d) Executive Committee of the International Children's Games and Millennium Festival - Minutes of Meetings held June 12 and July 6, 2000

(e) New Mum Show Sub-Committee - Minutes of Meeting held May 11, 2000

(f) New Mum Show Sub-Committee - Minutes of Meeting held June 22, 2000

## PLANNING AND DEVELOPMENT COMMITTEE

**C-1** Demolition of 134 Hixon Street (PDC00140)

**C-2** Demolition of 148 Selkirk Avenue (PDC00141)

**C-3** Demolition of 273 Normanhurst Avenue (PDC00142)

**C-4** Demolition of 40 Margaret Street (PDC00143)

**C-5** Demolition of 1343 Barton Street East (PDC00144)

**C-6** Demolition of 1345 Barton Street East (PDC00145)

**C-7** Demolition of 1190 Upper Ottawa Street, Unit #52 (PDC00146)

**C-8** Community Heritage Trust Fund Program, Loan Increase, 293 Park Street South (HSB00014)

**C-9** Core Heritage 2000 Program, Grant Increase, 47 James Street South (HSB00015)

**C-10** Downtown Convert/Renovate to Residential Loan Program (PDC00151)

**C-11** Downtown Convert/Renovate to Residential Loan Program - 135-143 James Street South; Vaudrelac Development Inc. - in Trust and G. S. Global Developments Ontario Inc. (PDC00152)

**C-12** Appointment of Building Inspectors By-law (PDC00152)

**C-13** Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

C-060 A By-law to Amend By-law No. 96-138 Respecting the appointment of Inspectors.

**C-14** Information Item

(a) Minutes of the August 9, 2000 meeting of the Planning and Development Committee

## FINANCE AND ADMINISTRATION COMMITTEE

**D-1** Millennium Committee - Additional Millennium Projects allocated for funding

**D-2** Approval to Externally Hire Corporate Communications Position (CM0020)

**D-3** Approval to Fill Temporary Vacancies in Legal Services (LS00013)

**D-4** B.I.A.'s 1999 Financial Statements (FIN00096)

**D-5** Appointment of Temporary Acting Treasurer (CM0018)

**D-6** Declaration of Surplus Property/Sale of part of Dulgaren Street (CS00025)

**D-7** Declaration of Surplus Property - a one foot reserve, along the east side of Magnolia Drive, Hamilton, being Parts 1, 2 & 3, on a draft reference plan to be registered; Offer to Purchase one foot reserve, Chedoke Health Corp. (CS00026)

**D-8** Sheraton Hamilton Hotel, 116 King Street West, Hamilton; Hotel's Proposal to use driveway ramp into underground parking garage for cars entering and exiting the garage; application to City, as landlord, for consent to proposal (LS00012)

**D-9** Proposed Conveyance by the Canadian Imperial Bank of Commerce of 281 Herkimer Street, Hamilton to the City of Hamilton

**D-10** Authorization to enter into Extension Agreements on specific properties for the payment of realty tax arrears (FIN00094)

**D-11** Request for additional financial assistance Lakeland Family Pool Association (CSC000125)

**D-12** Referral from City Council - Correspondence - Town of Dundas - "Committee" to Guide "New" Council

**D-13** Correspondence - Request from the Canadian Football Hall of Fame & Museum to purchase a table for the Induction Dinner being held on September 29th, 2000

**D-14** Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

D-033 A By-law to Authorize an Extension Agreement for payment of Realty Tax Arrears.

D-034 A By-law to Repeal By-law No. 92-138.

D-035 A By-law to Amend By-law No. 99-094.

D-036 A By-law to Appoint a Temporary Acting Treasurer for the Corporation of the City of Hamilton.

D-037 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

**D-15** That the following Information Items be received:

(a) Correspondence - 4 Office Automation Ltd. - RFI C4-2-00- Print and Fleet Asset Management Strategy

(b) Information Report - Pension Funds Equity Increasing Global Exposure, Decreasing Canadian (FIN00092)

(c) Information Report - Pension Funds Canadian Equity Index Program: Transfer of Funds from S&P/TSE 60 Index Program to TAL Pooled Canadian Equity Index Fund (FIN00089)

(d) Resolution - Town of Ancaster - Survival of the Ontario Cash Crop Producers through Agricorp

(e) Information Report - Sale of Tax Arrears Properties (FIN00091)

(f) Information Report - 1999 Hamilton Fire Department Annual Report

**PRIVATE AND CONFIDENTIAL AGENDA**

**E-1** Licence Agreement

# CITY OF HAMILTON

## - RECOMMENDATION -

A-1

**DATE:** August 21, 2000
File No. TEC-063-00 / Author: Various

**REPORT TO:** Chairman and Members
City Committee of the Whole

**FROM:** Charles Guthro
Acting Commissioner of Public Works and Traffic

**SUBJECT:** Routine Amendments to the City Traffic By-law 89-72
City Committee of the Whole Meeting – September 5, 2000
(T&E) (PWT00147)

**RECOMMENDATION:**

That the requests for routine amendments listed herein be approved and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

Mark B. Hagell for C Guthro

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

N/A

**BACKGROUND:**

Staff has received several requests/petitions for routine changes to existing on-street parking regulations and/or intersection control on City streets. Staff has investigated and concurs with the following requests.

1. **Ward 2**

   (a) Cheryl Harvey, 35 Tisdale Street South, has requested that a reserved "Permit Parking" regulation be implemented in front of 37 Tisdale Street South and across the street from her home, since she is disabled. Mr. Montigny, 37 Tisdale Street South, has advised that he supports the request.

(b) Ly Tran, owner of King Pharmacy, 85 Hess Street North, has requested that a "30 Minute Parking Time Limit" be implemented adjacent to the vacant lands on the south side of Peter from Hess to 55 feet westerly.

2. **Ward 3**

(a) Mrs. O'Callaghan, 180 Rosslyn Avenue North, has requested that the existing "Permit Parking" regulation on the east side of Rosslyn, directly in front of her home, be removed as she has moved.

(b) Mr. Brian Gates, 160 Avondale Street, has advised that he no longer requires the recently approved "Permit Parking" regulation on both sides of Avondale, directly in front of his home, as he has moved. The subject signs have not been installed.

(c) Alderman Bernie Morelli has advised that he wishes to initiate the implementation of a "Three Hour Parking Time Limit" regulation on the east side of Depew between Beach and the southerly end.

(d) Mrs. Donna Woodruff, 73 Cedar Avenue, has requested that the existing reserved "Permit Parking" regulation in front of her house be removed since they have recently installed off-street parking on their property.

(e) Alderman Dennis Haining, has advised that he received a petition, on behalf of the area residents, requesting that the existing "No Parking" regulation on the west side of Avondale between Mons and the Canadian National Railway Main Line be reverted back to the east side of the street. The regulation was transferred to the west side to aid in the delivery of goods to Powell Auto Parts, 238 Gage Avenue North, however, this company is no longer in business.

(f) Darlene Shafer, 231 Rosslyn Avenue North, has requested that a reserved "Permit Parking" regulation be implemented in front of her home since she is disabled.

3. **Ward 4**

(a) Mrs. Wilcox, 114 Park Row North, has requested that the existing "Wheelchair Loading Zone, 8:00 am to 6:00 pm, seven days a week" regulation, directly in front of her home, be changed to a full-time "Wheelchair Loading Zone" regulation.

(b) Mrs. Merle Coomber, 15 Park Row South, has requested that a reserved "Permit Parking" regulation be implemented in front of her home, on the east side of Park Row, south of Main, since she is disabled.

(c) James Steel, 18 Delena Avenue South, has requested that the existing "Wheelchair Loading Zone, 8:00 am to 5:00 pm, seven days a week" regulation on the west side of Delena, directly in front of his home, be removed as the previous resident, who requested the regulation, has moved.

(d) Mrs. Anne Alexandre, 266 Roxborough Avenue, has requested that the existing "No Parking, 8:00 am to 4:00 pm, Monday to Friday" regulation on the south side of Roxborough, east of Graham, be revised such that the regulation commences at Graham and extends 75 feet easterly therefrom.

4. **Ward 5**

(a) Alderman Chad Collins has forwarded a petition signed by 23 of the 28 residents abutting Owen between King and Cromwell requesting that a "Two Hour Parking Time Limit, 9:00 am to 5:00 pm, Monday to Friday" regulation be implemented on both sides of the street. Twenty of the residents are in favour and three are opposed.

(b) Staff has received a petition signed by representatives of 17 of the 20 residents abutting Nelligan requesting that the existing "Alternate Side Parking" regulation be removed from Nelligan between Erin and the easterly end. Sixteen are in favour and one is opposed.

5. **Ward 6**

(a) An area resident has requested that eastbound stop control be implemented at the "T" type intersection of Quincy and Rochelle.

6. **Ward 7**

(a) MaryAnn Ilchene, 97 Greeningdon Drive, has requested that eastbound stop control be implemented at the "T" type intersection of Goldstrum and Greeningdon.

(b) Alderman Bill Kelly has requested that three-way stop control be implemented at the "T" type intersection of Cyprus and Sirente. Staff concurs with this request on an interim basis until the neighbourhood is developed at which time a more suitable location for an all-way stop would be one block to the west of the subject intersection.

(c) Mrs. Bucsis, 55 Rowntree Drive, has requested that northbound stop control be implemented at the "T" type intersection of Rowntree and Ramsden.

(d) Fred Cutting, 134 Gateview Drive, has requested that a "No Stopping" corner clearance be implemented on the south side of Gateview, east of West 5$^{th}$ to improve visibility and turning movements at the intersection.

MBH/kag

# CITY OF HAMILTON

A-2

## - RECOMMENDATION -

**DATE:** August 18, 2000
File No: TEC-062-00 / Author: G. Kirchknopf

**REPORT TO:** Chairman and Members
City Committee of the Whole (TEC)

**FROM:** Charlie Guthro
Acting Commissioner of Public Works and Traffic

**SUBJECT:** Locke Street Merchants Association – Street Festival
Saturday, September 9, 2000 (PWT00146)

**RECOMMENDATION:**

That the application by the Locke Street Merchants Association to temporarily close Locke Street South between Hunter Street and Herkimer Street on Saturday, September 9, 2000 from 7:00 am to 8:00 pm to hold a street festival, be approved, subject to the following conditions:

i) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained;

ii) That the applicant provide proof of $2,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;

iii) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate;

iv) That all barricading be supplied by and at the expense of the applicant;

v) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic, at the expense of the applicant;

vi) That the applicant ensure that cleanup operations be carried out immediately before the re-opening of the roads to the satisfaction of the Acting Commissioner of Public Works and Traffic and at the expense of the event organizer;

vii) That no property owner or resident within the barricaded area be denied access to their property upon request;

viii) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Acting Commissioner of Public Works and Traffic.

Mark B. Hazell
for Carthro

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

**BACKGROUND:**

A request has been received from the Locke Street Merchants Association to temporarily close Locke Street between Hunter Street and Herkimer Street on Saturday, September 9, 2000 from 7:00 am to 8:00 pm, to hold a street festival. Charlton Avenue will remain open during festival for westbound vehicular traffic and HSR detouring.

This is a first time event for this Merchant Association with hopes of becoming an annual event. The applicant is proposing a "Merchant Open Market" selling used goods as well as serving food and beverages. There will be craft tables set up on the road allowance for area residents to display their goods and, as well, buskers and music performers will be providing a festival atmosphere.

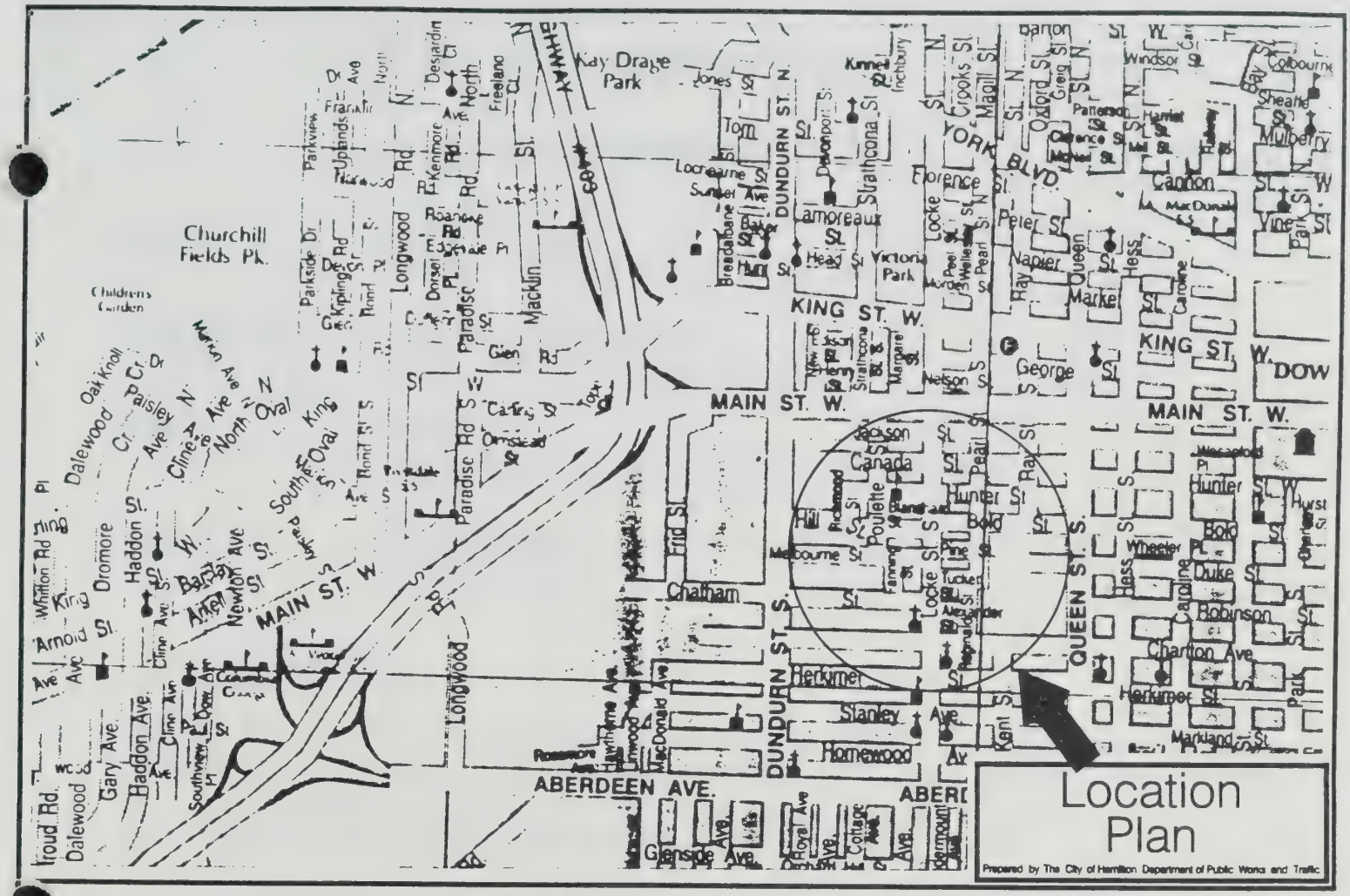
Hamilton Street Railway will provide detour routes consisting of the following:

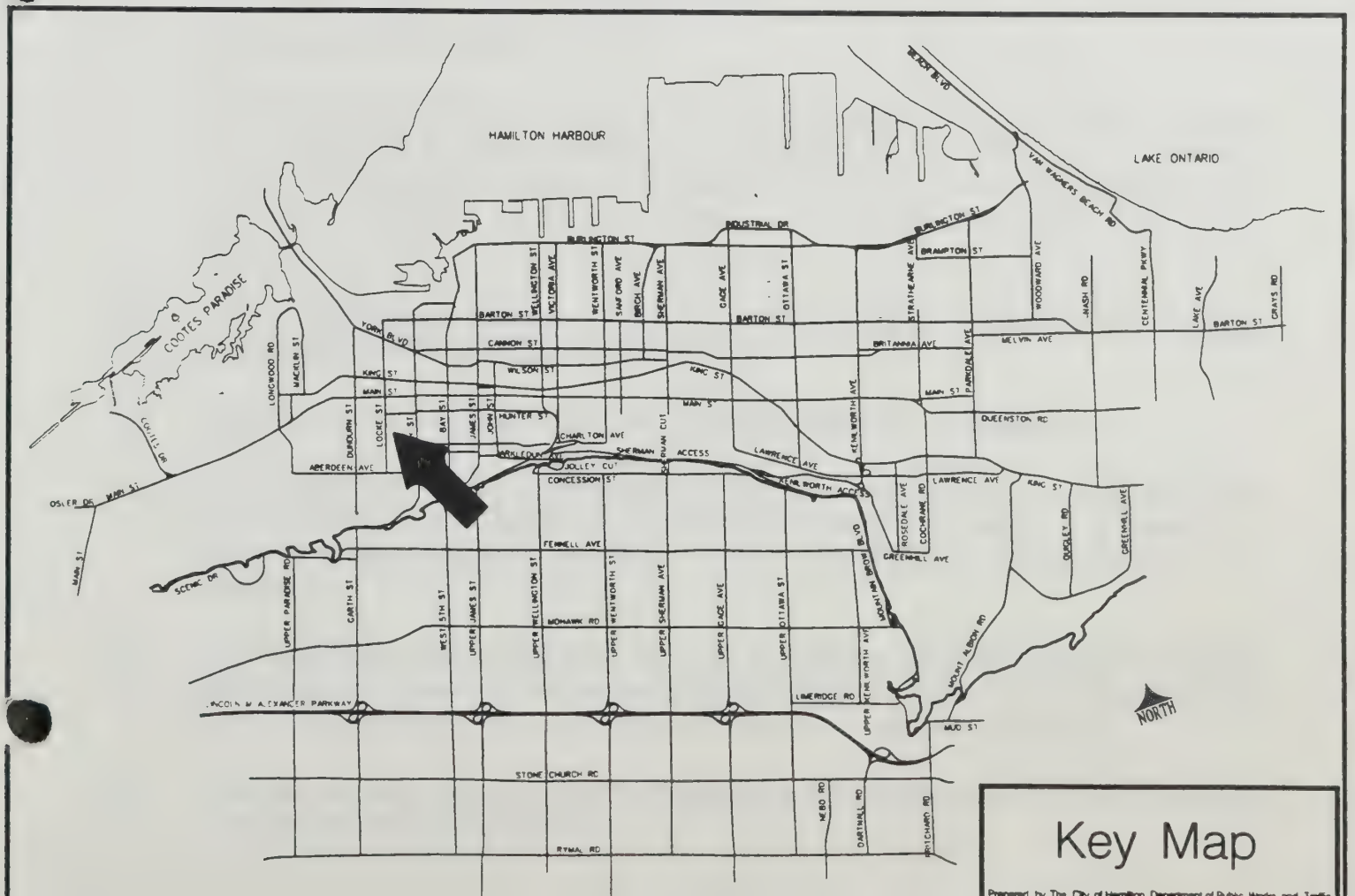
- Westbound buses will detour on Queen Street to Charlton Avenue to Dundurn
- Eastbound buses will detour on Dundurn Street to Main Street to Locke Street.

The Department of Public Works and Traffic Services will post two (2) "Temporary Road Closure" signs and post "No Parking Anytime" signs to accommodate the HSR detours. All associated costs will be paid for by the applicant.

Regional Police Services will provide appropriate security for this event. Since there have been no objections from any municipal departments, this Department can support the application.

GVB/MBH/str


Kay Drage Park
Churchill Fields Pk.
Childrens Garden
KING ST. W.
MAIN ST. W.
DUNDURN ST. S.
QUEEN ST. S.
YORK BLVD
ABERDEEN AVE.
Location Plan
Prepared by The City of Hamilton Department of Public Works and Traffic


HAMILTON HARBOUR
LAKE ONTARIO
COOTES PARADISE
ABERDEEN AVE
LINCOLN M. ALEXANDER PARKWAY
NORTH
Key Map
Prepared by The City of Hamilton Department of Public Works and Traffic

# CITY OF HAMILTON

A-3

## - RECOMMENDATION -

**DATE:** August 18, 2000
File No: TEC-061-00 / Author: G. Kirchknopf

**REPORT TO:** Chairman and Members
City Committee of the Whole (T&E)

**FROM:** Charlie Guthro
Acting Commissioner of Public Works and Traffic

**SUBJECT:** Ottawa Street B.I.A. - Street Fest - Saturday, September 30, 2000 (PWT00145)

**RECOMMENDATION:**

That the application by the Ottawa Street B.I.A. to temporarily close Britannia Avenue, Edinburgh Avenue and Campbell Avenue between Ottawa Street and the municipal car parks located easterly, on Saturday, September 30, 2000 from 8:00 am to 6:00 pm to hold a Street Festival, be approved, subject to the following conditions:

i) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained;

ii) That the applicant provide proof of $2,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;

iii) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate;

iv) That all barricading be supplied by and at the expense of the applicant;

v) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic, at the expense of the applicant;

vi) That the applicant ensure that cleanup operations be carried out immediately before the re-opening of the roads to the satisfaction of the Acting Commissioner of Public Works and Traffic and at the expense of the event organizer;

vii) That no property owner or resident within the barricaded area be denied access to their property upon request;

viii) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Acting Commissioner of Public Works and Traffic;

xi) That the Ottawa Street B.I.A. be given permission to "bag" the parking meters on both sides of Ottawa Street North from Main Street East to Barton Street East on Saturday, September 30, 2000, from 10:00 a.m. to 4:00 p.m. subject to the B.I.A. reimbursing the City of Hamilton for the projected revenue loss from the affected parking meters;

ix) That paid parking in Municipal Car Parks 2A, 2B and 2C be rescinded on Saturday, September 30,2000, from 10:00 a.m. to 4:00 p.m. subject to the B.I.A. reimbursing the City of Hamilton for the projected revenue loss in these car parks.

Mark B. Hazell
for
C Gothlin

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

N/A

**BACKGROUND:**

A request has been received from the Ottawa Street B.I.A. to temporarily close Britannia Avenue, Edinburgh Avenue and Campbell Avenue between Ottawa Street and the municipal car parks located easterly on Saturday, September 30, 2000 from 8:00 am to 6:00 pm, to hold a street festival and sidewalk sale.

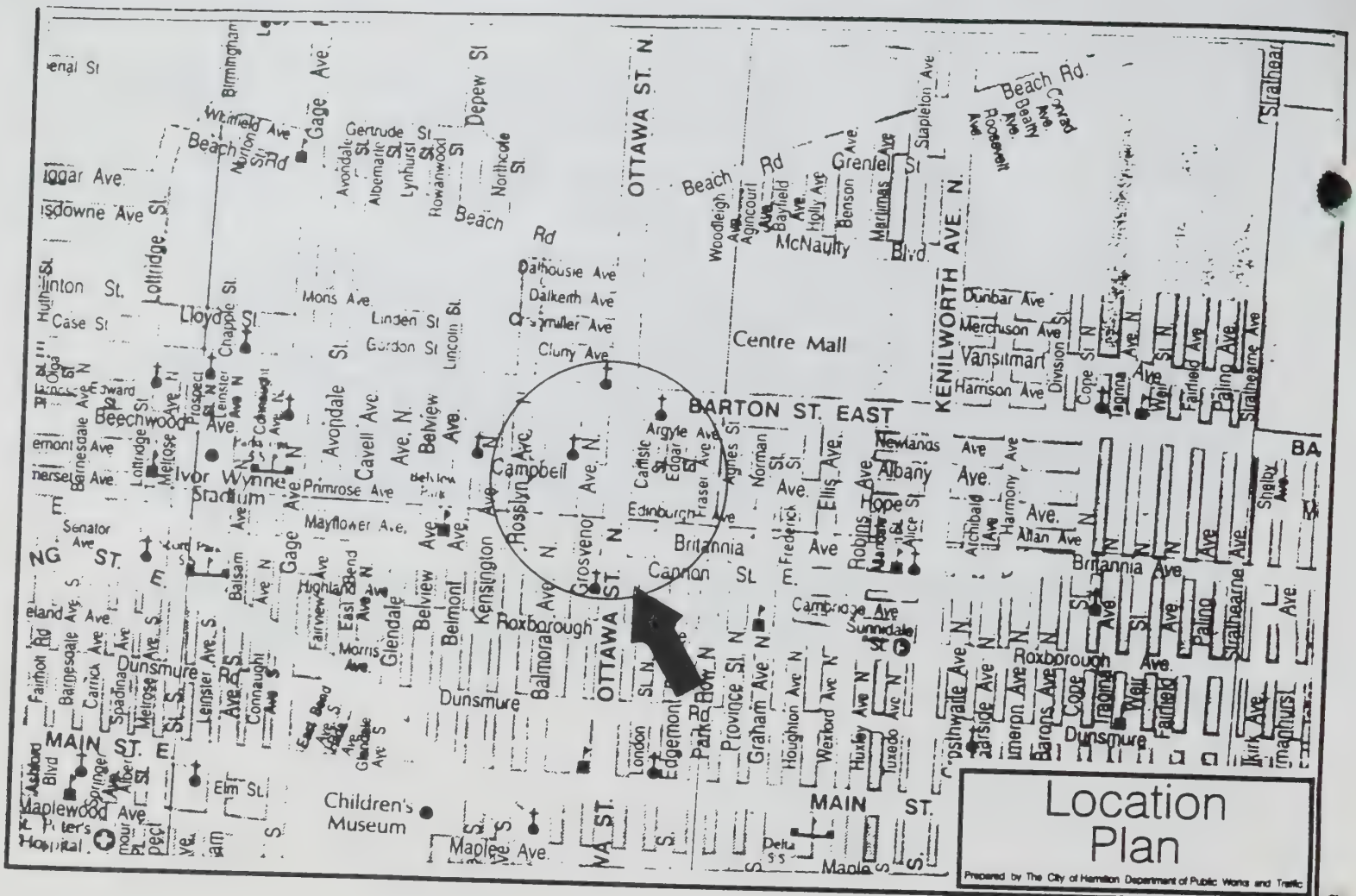
This is an annual event for the Ottawa Street B.I.A. and the applicant is proposing a change to their previous year's festival to limit the closure onto Britannia, Edinburgh and Campbell side streets only, thereby leaving Ottawa Street completely open. There will be craft tables set up on these two side streets to display their goods and, as well, buskers and music performers will be providing a festival atmosphere.

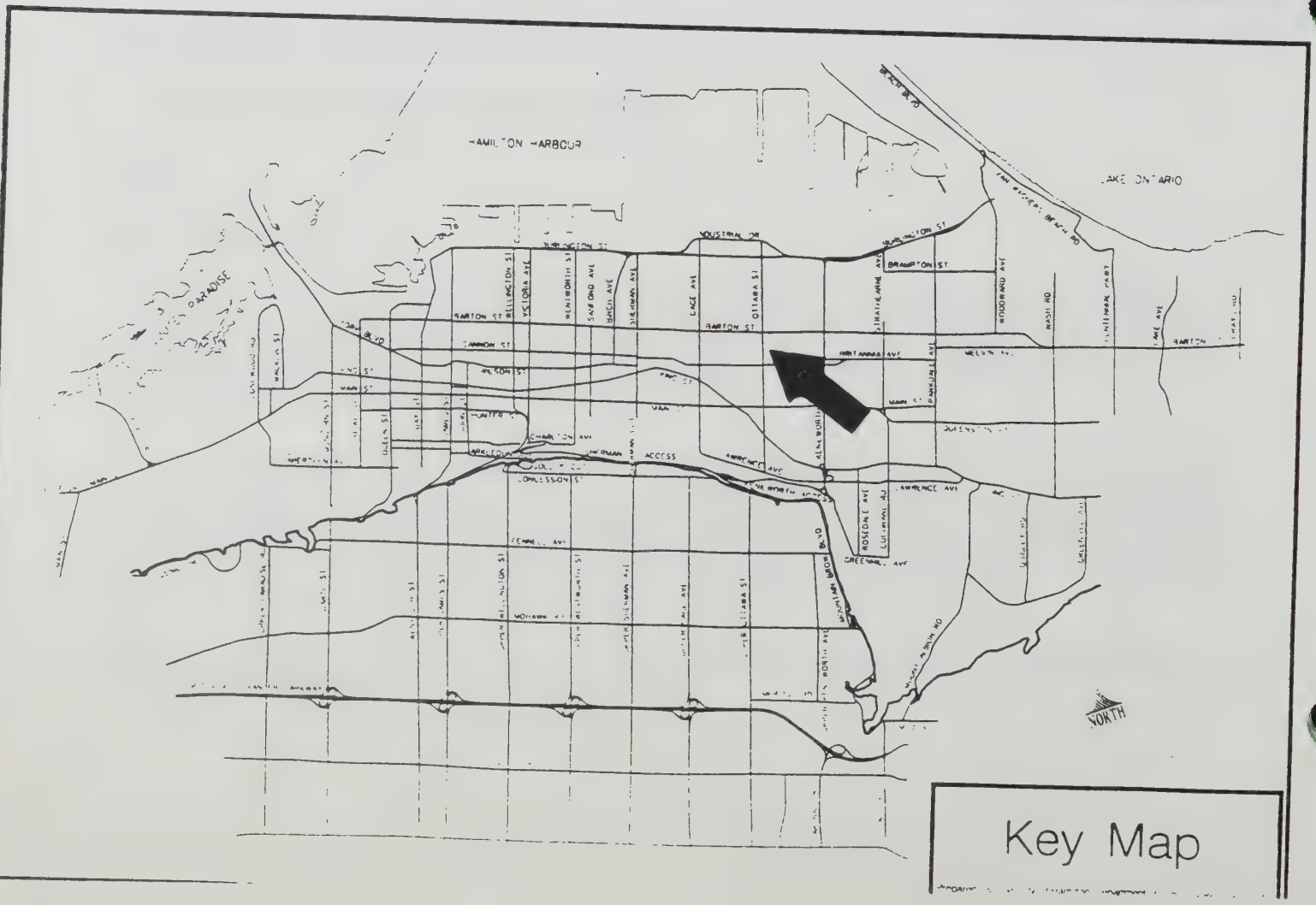
The Department of Public Works and Traffic Services will post two (2) "Temporary Road Closure" signs at the expense of the applicant.

The free parking would be at all on-street parking meters on Ottawa from Main to Barton and in the municipal car parks identified as 2A, 2B and 2C. The B.I.A. has agreed to reimburse the City for the lost revenues from these parking facilities which amounts to $300 for the on-street parking meters and $200 for the car parks. The B.I.A. will place bags over the parking meters, identifying that the free parking is courtesy of the B.I.A. The cost of these bags will be at the expense of the B.I.A.

Regional Police Services will provide appropriate security for this event. Since staff have received no objections from any municipal departments, this Department can support the application.

CVB/MBH/str


OTTAWA ST. N.
KENILWORTH AVE. N.
BARTON ST. EAST
MAIN ST. E.
MAIN ST.
Centre Mall
Beach Rd
McNaulty Blvd
Dalhousie Ave
Cluny Ave
Campbell Ave
Britannia
Cannon St
Roxborough
Dunsmure
Edgemont
Parkdale
Children's Museum
Maple Ave
Ivor Wynne Stadium
Beechwood Ave
Mayflower Ave
Primrose Ave
Maplewood Ave
Dunbar Ave
Harrison Ave
Albany Ave
Britannia Ave
Cope
Paling Ave
Strathearne Ave
Location Plan
Prepared by The City of Hamilton Department of Public Works and Traffic


HAMILTON HARBOUR
LAKE ONTARIO
BARTON ST
CANNON ST
MAIN ST
KING ST
QUEEN ST
BRANTFORD ACCESS
NORTH
Key Map

# CITY OF HAMILTON

## - RECOMMENDATION -

A-4

**DATE:** August 18, 2000
File No – S-601-02 G. McGuire

**REPORT TO:** Chairman and Members
City Committee of the Whole (TOE)

**FROM:** L. Gohier, P. Eng,
Acting General Manager
Transportation, Operations, and Environment

**SUBJECT:** **To Incorporate Certain City Land into Various Streets by By-Laws (TOE00012)**

**RECOMMENDATION:**

a) That the following City land be incorporated into the following streets:

| | | |
|---|---|---|
| Chedmac Drive | Part 20 | 62R-12060 |
| Falconridge Drive | Block 73 | 62M-747 |
| Hepburn Crescent | Block 52 | 62M-850 |

b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of Corporate Counsel and be enacted by Council;

c) That the Acting General Manager, Transportation, Operations, and Environment be authorized and directed to register the by-laws.

L. Gohier

L. Gohier, P. Eng.
Acting General Manager
Transportation, Operations, and Environment

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**That in accordance with the Guidelines issued, this Report does not require Transition Board approval.**

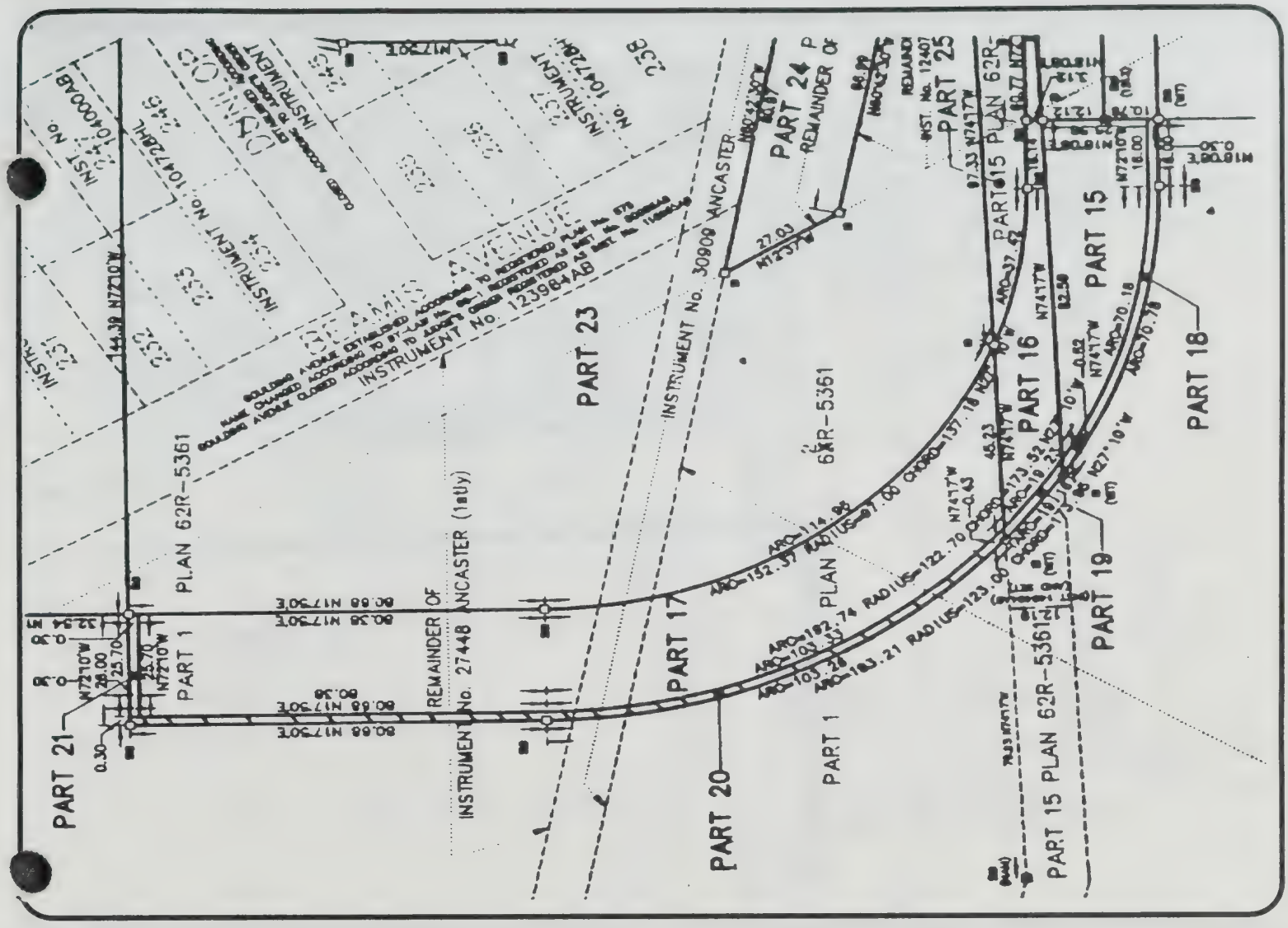
**BACKGROUND:**

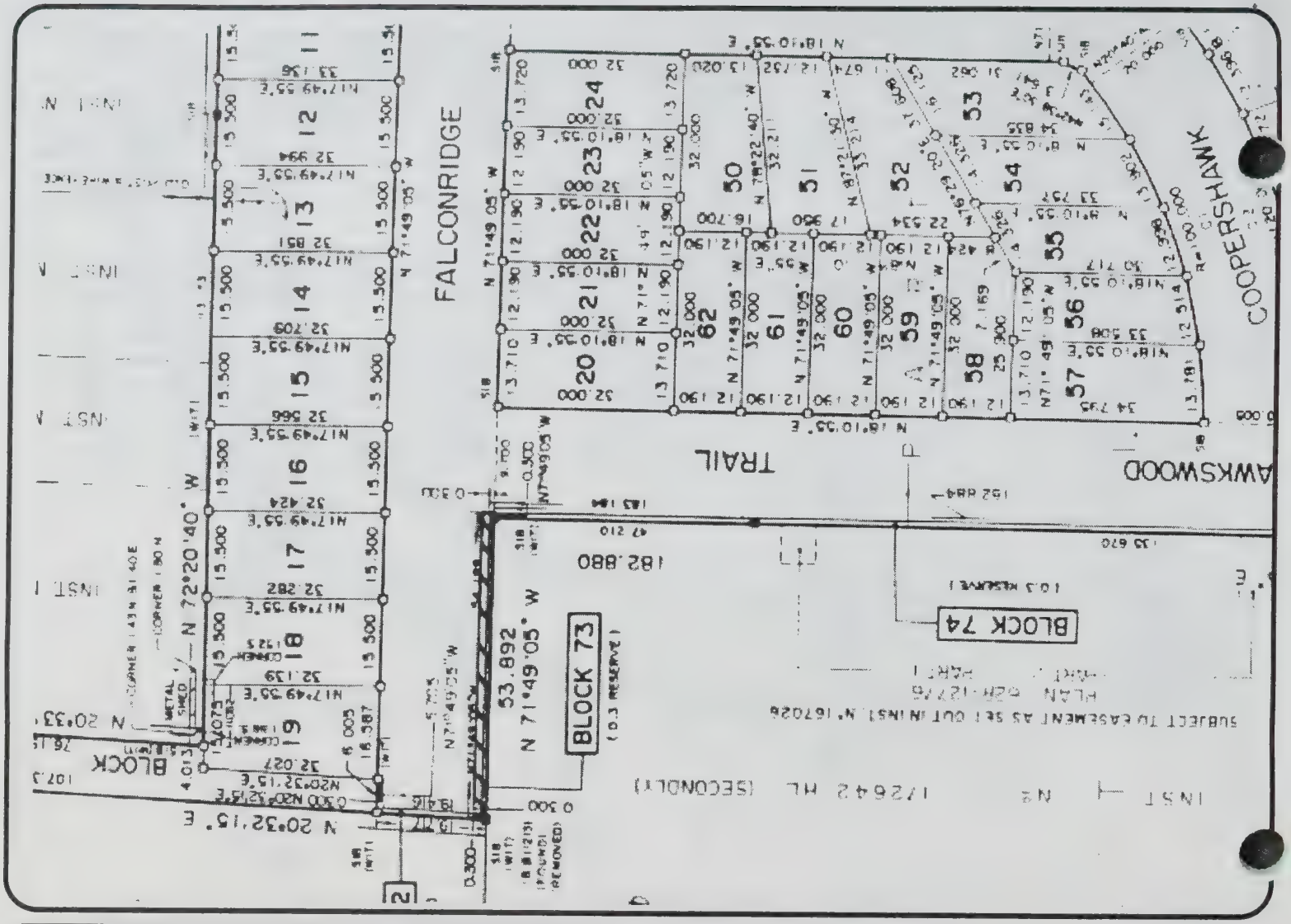
To complete conditions of severance and to complete final street widths, it is necessary to incorporate City land into the road allowance as indicated below.

| Incorporating into Street Name | Land Description being Incorporated | Financial Implications | Reason for being Incorporated | File No. |
|---|---|---|---|---|
| Chedmac Drive | Part 20, Plan 62R-12060 | N/A | To complete final street widths | S-601-02 |
| Falconridge Drive | Block 73, Plan 62M-747 | N/A | To complete final street widths | S-601-02 |
| Hepburn Crescent | Block 52, Plan 62M-850 | N/A | To facilitate Access to Tiffany – Phase 3 | S-601-02 |

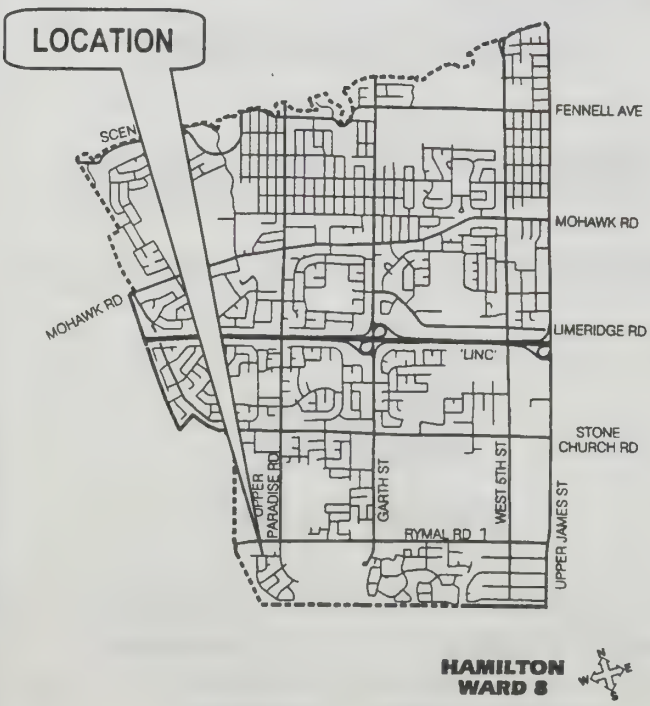
GM:ho (Ext. 2439)
Attached – By-laws and Key Maps

cc H. Groen, Transportation Division
cc F. Angelici, Planning Division
cc K. Nutley, Real Estate Division


PART 23
PART 24
PART 25
PART 15
PART 16
PART 17
PART 18
PART 19
PART 20
PART 21
PART 1
PLAN 62R-5361
PART 15 PLAN 62R-5361
REMAINDER OF
INSTRUMENT No. 30909 LANCASTER
INSTRUMENT No. 27448 LANCASTER (1st Lty)
INSTRUMENT No. 1239841AB
INSTRUMENT No. 1047284HL
INSTRUMENT No. 1047284HL
INSTRUMENT No. 1047284HL




KEY MAP




LOCATION PLAN

FALCONRIDGE DRIVE

Block 73 on Plan 62M-747

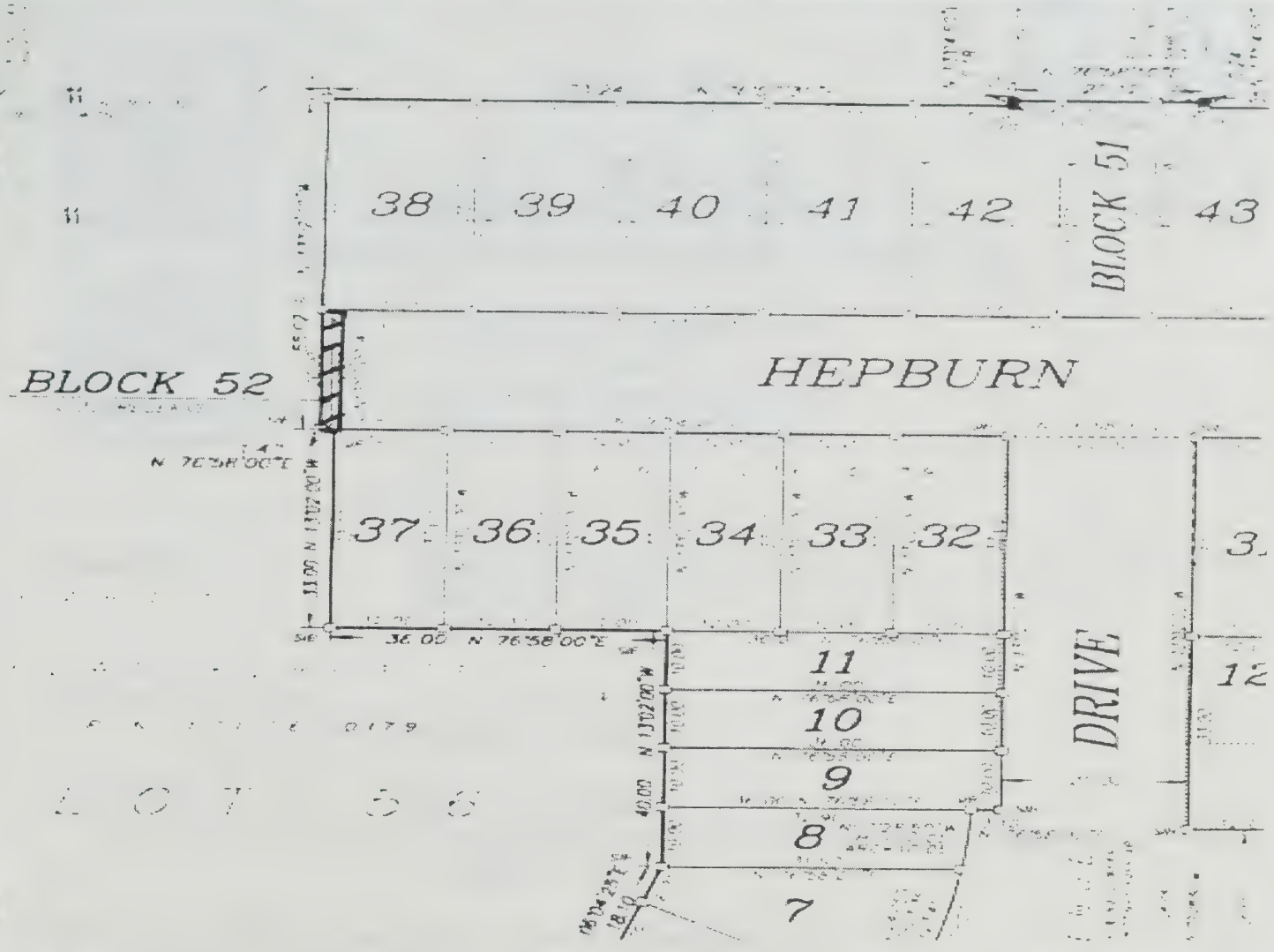
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

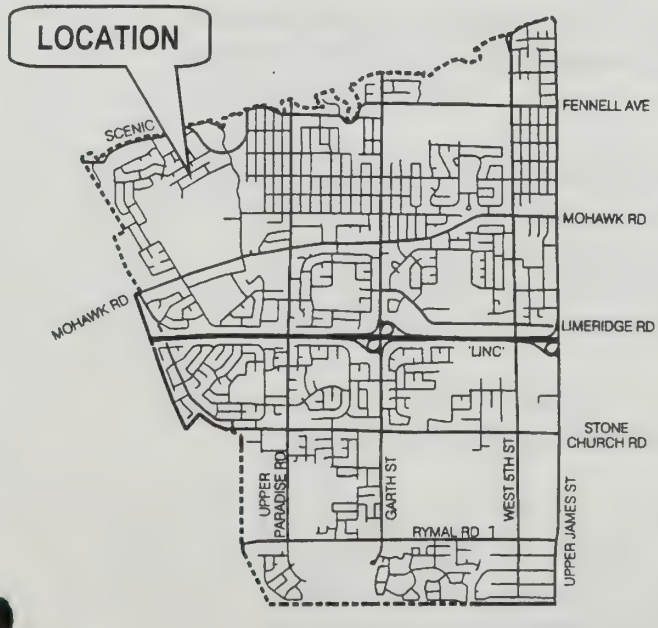
**SUBJECT LAND**

| SCALE | DATE |
|---|---|
| **NOT TO SCALE** | **2000-08-29** |

REFERENCE FILE NO: **S-601-02**




KEY MAP




LOCATION PLAN

HEPBURN CRESCENT

Block 52 on Plan 62M-850

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

**SUBJECT LAND**

| SCALE | DATE |
|---|---|
| **NOT TO SCALE** | **2000-08-29** |

REFERENCE FILE NO: **S-601-02**

A-6 (a.)

# MINUTES

## CITY OF HAMILTON
## SPECIAL MEETING OF THE
## TRANSPORT AND ENVIRONMENT COMMITTEE

**Wednesday, August 9, 2000**
**9:00 a.m.**
**Room 219, Hamilton City Hall**
**71 Main Street West, Hamilton**

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| | |
|---|---|
| **Present:** | Alderman C. Collins (Chairperson), Alderman D. Wilson (Vice-Chairperson), Aldermen M. Kiss, A. Horwath, B. Morelli, T. Jackson, F. D'Amico |
| **Absent with regrets:** | Mayor R. M. Morrrow<br>Alderman T. Anderson |
| **Also Present:** | Alderman G. Copps<br>B. Price, C. Guthro, M. Hazell, J. Bruzzese, F. Westaway, D. Onishi, C. Biggs |

Alderman C. Collins, Chairperson, called the meeting to order.

**THE FOLLOWING ITEMS WERE RECOMMENDED TO CITY COUNCIL:**

1. **Walcorp Inc. – Application for Approval of a Provisional Certificate of Approval for a Waste Disposal Site (Processing) at 675 Strathearne Avenue (PDC00136)** (Item 2)

That the West Central Branch of the Ontario Ministry of the Environment be advised that the City of Hamilton objects to the Application of Walcorp Inc. for Approval of a Provisional Certificate of Approval for a Waste Disposal Site (Processing) (Ministry File 3555-4JRRMB) at No. 675 Strathearne Avenue, as shown on the attached map marked as Appendix "A";

(b) That the West Central Branch of the Ontario Ministry of the Environment be advised of Council's decision;

(c) That the West Central Branch of the Ontario Ministry of the Environment be requested to forward a copy of its final decision respecting the Application of Walcorp Inc. for Approval of a Provisional Certificate of Approval for a Waste Disposal Site (Processing) at 675 Strathearne Avenue (Ministry File 3555-4JRRMB) to the Acting Municipal Clerk, City of Hamilton.

2. **Routine Amendments to the City Traffic By-law 89-72 – Transport and Environment Committee Meeting – August 9, 2000 (PWT00131)** (Item 3)

That the requests for routine amendments listed herein be approved and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

**THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE RECEIVED AND/OR NOTED:**

**(a) Declarations of Interest** (Item 1)

None declared.

**(b) Other Business** (Item 4)

**(i) Truck Traffic – Glow/Mead-Burgess/Brighton Streets**

Alderman D. Wilson requested that staff bring a report back to the Committee on the feasibility of erecting special stop signs on Glow Avenue, Mead Avenue, Burgess Avenue and Brighton Avenue to control truck traffic.

**(ii) Patio Café Applications**

Alderman A. Horwath requested the status of patio café applications. Staff indicated that it is anticipated that reports will be presented at the September 5, 2000 Committee of the Whole meeting.

**(iii) Enforcement of By-law – Feeding of Pigeons on Residential Property**

B. Price expressed concern regarding the feeding of pigeons on residential properties. Staff was directed to expedite the possibility of including enforcing any by-laws in respect of this matter.

**Note:** The meeting of the Transport and Environment Committee adjourned at 9:25 a.m.

**Alderman C. Collins, Chairman**
**Transport and Environment Committee**

**Carolyn Biggs, Legislative Assistant**
**August 9, 2000**

B-1

# CITY OF HAMILTON

## -RECOMMENATION-

**DATE:** July 11, 2000

**REPORT TO:** Chair and Members
Parks & Recreation Committee

**FROM:** Ross L. Fair, General Manager
Community Services Division

**SUBJECT:** External Posting for Historical Interpreter position at Whitehern (CSC00117)

**RECOMMENDATION:**

That permission be granted for the General Manager of Community Services Division, Department of Culture and Recreation to advertise externally to fill the vacant Historical Interpreter position at Whitehern.

Ross L. F

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**The recommendation contained in this report requires Transition Board approval.**

Funds exist in the wage account for this position. This is a part-time, scheduled as needed position.

**BACKGROUND:**

This vacancy is due to an internal promotion within the City. This position has been posted internally. No qualified applicant was found. The position is required to be filled urgently due to the upcoming busy Fall season of school bookings and that it is one of only two such positions at Whitehern.

MH/kh

B-2

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** August 22, 2000

**REPORT TO:** Chairperson and Members
City Committee of the Whole

**FROM:** Ross L. Fair
General Manager
Community Services Division

**SUBJECT:** Sale of Alcoholic Beverages – Turner Park
Looney Tunes 6th Annual Slo-Pitch Tournament
September 30 and October 1, 2000 (CSC00123) P&R

**RECOMMENDATION:**

That approval be granted to the Looney Tunes Slo-Pitch Tournament to sell alcoholic beverages in Turner Park on September 30 and October 1, 2000, 12:00 p.m. – 9:00 p.m., by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Special Event Guidelines and the Municipal Alcohol Risk Management Policy.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**The recommendations contained in this report do not require Transition Board approval.**

The Parks By-Law 95-126 as amended. Section 11, requires that permission be obtained by the applicant, from the City of Hamilton, as the owner of the public park, to sell alcoholic beverages in a public park.

The Municipal Alcohol Risk Management Policy requires that the Looney Tunes Slo-Pitch Tournament provide proof of Commercial and General Liability Insurance, inclusive of Bodily Injury, Property Damage and All Risks Tenants Legal Liability in the amount of $5 million including Liquor Liability, naming the city as co-insured.

**BACKGROUND:**

Tournament Organizers are required to acquire permission to obtain a Special Occasion Permit for the sale of alcohol during events and/or tournaments.

Looney Tunes Slo-Pitch Tournament has previously hosted events successfully. Department staff has no record of complaints with respect to the League's conduct and have concluded that the League has continued to carry out its activities responsibly and professionally.

/cs

c.c. Wm. Moffatt, Manager, Facility Operations
B. Chrystian, Manager of Parks Division
P. D'Alessandro, Coordinator Administration Services and Information
M. Hammond/C. Secore, Community Sports Liaisons

enclosure

B-3

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** 2000 August 28

**REPORT TO:** Chairman and Members
Committee of the Whole

**FROM:** Ross L. Fair, General Manager
Community Services Division

**SUBJECT:** Sale of Alcoholic Beverages – Mohawk Sports Park
Hamilton Hornets Rugby Club – September 17, 2000
(CSC00124) – P&R

**RECOMMENDATION:**

That approval be granted to the Hamilton Hornets Rugby Club to sell alcoholic beverages at Mohawk Sports Park on September 17, 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**The recommendations contained in this report do not require Transition Board approval.**

Staff received correspondence requesting approval for this date on August 28th, 2000.

Given the successful record of alcohol management by the Club over the past several years, I am recommending Committee of the Whole consider this at it meeting of September 5, 2000.

All applicable costs are the responsibility of the Hamilton Hornets Rugby Club.

The Parks By-Law 95-126 as amended. Section 11, requires that permission be obtained by the applicant, from the City of Hamilton, as the owner of the public park, to sell alcoholic beverages in a public park.

The Municipal Alcohol Risk Management Policy requires that the Hamilton provides proof of Commercial and General Liability Insurance, inclusive of Bodily Injury, Property Damage and All Risks Tenants Legal Liability in the amount of $5 million in include Liquor Liability, naming the city as co-insured.

**BACKGROUND:**

Council at its meeting of May 9th, 2000 approved the request by the Hamilton Hornets Rugby Club to sell alcoholic beverages on May 13, June 3, 10, 14, 18, 25, July 16, August 13, 19, 26, September 9, 16, 23, 30 and October 14 and 15, 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy. The above date is in addition to the dates already requested.

The Hamilton Hornets Rugby Club has previously hosted tournaments and game day events successfully. Department staff has no record of complaints with respect to the Club's conduct and have concluded that the Club has continued to carry out its activities responsibly and professionally.

cc: Ken Duncliffe, Director, Culture and Recreation Department
Bob Chrystian, Manager, Parks Division, Public Works and Traffic Dept.
Bill Moffatt, Manager, Facility Operations

/cs

# CITY OF HAMILTON

B-4

- RECOMMENDATION -

**DATE:** 2000 August 18
Author: R. W. Chrystian

**REPORT TO:** Chairman and Members
City Committee of The Whole

**FROM:** C. Guthro, Acting Commissioner
Department of Public Works and Traffic

**SUBJECT:** **Authority to Issue Request for Proposals for Private Sector Partners to Develop and Operate Waterfront Amenities at Bayfront Park (PWT 00145)**

**RECOMMENDATION:**

a) That the Acting Commissioner of Public Works and Traffic or his designate be authorized to implement the first of a three stage private partner search and selection process for development and operation of Waterfront amenities at Bayfront Park; and,

b) That the Request for Proposal Document, (Schedule A and Evaluation Criteria, Schedule B as prepared by the JF Group, attached to this recommendation be approved; and

c) That Staff report back on the results of this initial stage being the request and submission of Letters of Interest as per the project time table, and receive direction on Stage two of the process; and

d) That Staff be authorized to commence rezoning of the Bayfront park site based on the potential proposed use and upon approval of this recommendation.

per C. Guthro

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required on this recommendation.**

There are no direct financial, staffing or legal implications associated with the recommendations contained in this report. The Request for Proposal document makes provision for the City to accept or reject all proposals at any time or to decide to abandoned the process also at any time.

The recommendations, if approved, authorizes staff and the City's consultant to commence the first of a three step process for the proposed Bayfront Park project.

A brief description of each stage is as follows:

- Stage One will invite proponents to submit a Letter of Interest outlining their development concept, qualifications and experience, relationship structure, financial capabilities, and proposed relationship with the City. Successful proponents to be recommended to proceed to Stage Two.

- Proponents chosen to proceed to Stage Two will produce comprehensive proposals, which will both refine and describe their concepts and development plans in more detail. The City's Selection Team will evaluate the proposals, inclusive of proposal presentations, and submit a recommendation regarding the selected proponent to Council for approval.

- Stage Three is the final stage of the process and involves the negotiation of the final agreement(s). This agreement(s) will be negotiated using accepted business principles for the development of the preferred facility and service concept. The City may wish to negotiate some adjustments or additions to selected proponent's concept, which may be in keeping with facility or leisure service requirements to meet community needs.

**BACKGROUND:**

As a result of the 2000 Capital Budget review process, Committee of the Whole approved and directed staff to commence an RFP process relative to the development of Waterfront Amenities at Bayfront Park.

Based on a competitive process, the JF Group was retained to guide the process and an intra departmental staff committee was formed to work with our consultant in the preparation of evaluation criteria and the RFP documents. Of particular note, is the inclusion of site and architectural requirements for this project which coincide with information considered by the Committee of the Whole at the time this project was first considered.

RWC/ls

cc: Staff Committee Members
JF Group

# *PUBLIC / PRIVATE PARTNERSHIP TO DEVELOP AND OPERATE WATERFRONT AMENITIES AT BAYFRONT PARK*

## REQUEST FOR PROPOSAL

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# 1. INTRODUCTION

The Corporation of the City of Hamilton wishes to pursue a public/private partnership for the development and operation of waterfront amenities at Bayfront Park. The location of this business opportunity is in the west harbour front area at Bayfront Park adjacent to Pier 4 Park and marina operations. The City owns this fully serviced site. Bayfront Park is a popular recreation facility offering a variety of active and passive leisure opportunities. The park is also host to many annual festival events and special events that attract a significant number of visitors to the site. The City is seeking a qualified proponent who shares the City's long-term vision for the site and is committed to developing and operating first-class attractions in this prestigious location.

Utilizing a three staged selection process, the City is seeking innovative proposals from private sector proponents with the capacity to partner with the municipality on this exciting project. The successful organization will be capable of demonstrating its ability to provide expertise and a willingness to contribute to the project to maximize the community benefit and financial performance of the development. A full description of the entire selection process is included in Section 8 of this Request For Proposal.

## *1.1 The City of Hamilton*

The City of Hamilton is located one hour west of Toronto. Incorporated in 1846, Hamilton is one of the province's oldest and most established communities with an intriguing blend of history and tradition alongside new growth and development. In 1996, the City's population was 323,900, which is expected to grow by 4% to 337,600 by 2011. The City is home to McMaster University with an estimated enrolment of 17,600 students and Mohawk College of Applied Arts and Technology with a full-time student population of 16,800. Per capita income is approximately 5% above national averages and manufacturing is the single largest industry group.

The municipality's original residential and industrial development occurred in the lower part of the City, while the most recent developments have occurred on Hamilton Mountain. The Internationally recognized Niagara Escarpment divides the City into upper and lower sections. Approximately 58% of the City's current population reside in the lower City, although future residential development on the mountain will result in a more balanced population distribution between the City's geographical areas.

## *1.2 Overview of City's Park Division*

- Philosophical approach to Parks provision
- Number of Parks
- General locations

- Similar relationships with private interests in other park locations

*1.3 Definitions*

"*Request for Proposal (RFP)*" refers to this document,

"*City*" means the Corporation of the City of Hamilton,

"*Facility*" means the complex the proponent is proposing,

"*Project*" means the approach, design, development, financing, construction, maintenance, operation and management of the facility as proposed by the proponent,

"*Proponent*" means a respondent to the Request for Proposal,

"*Respondent*". means an entity preparing a response to the RFP and may be used interchangeably with proponent,

"*Proposal*" means the document submitted in response to this RFP,

"*Selection process*" means the City's process involving Letters Of Interest, Request For Proposals, and Negotiation Stages as described in Section 8 of this document,

"*Selected proponent*" means the primary proponent whose proposal has been selected for further negotiations in the development of the partnership for the project,

"*Team*" means a company, firm or consortium, which is formed for the purposes of responding to this RFP,

"*Team member*" means any company or firm comprising part of a team,

"*Time of Day*" means all times given in this document are local Eastern Time, either Eastern Standard Time or Eastern Daylight-saving Time, as applicable to this season of the year,

"*Other proponents*" means other respondents who have submitted proposals and with whom the City may negotiate if negotiations with the primary proponent are not successful,

"*Complex*" means the facility the proponent is proposing,

"*Stakeholder Groups*" means community groups and organizations who may be affected by or who may utilize the Complex,

"*Partnership*" means a mutually agreeable relationship between the City and a proponent

whereby each party engages in a co-operative approach to the provision of facilities or the delivery of services to the community. The word does not denote the meaning contained in the usual legal sense or used in the Partnership Act of Ontario. The use of the term *partner* implies a participant in the relationship as described above.

### *1.4 Purpose For This Request For Proposal*

The purpose for this Request For Proposal is to initiate Phase Two of the search and selection process for a private sector partner for the development, construction and operation of waterfront amenities at Bayfront Park. The City of Hamilton has previous experience with partnerships, joint ventures, contracts, and informal relationships involving the private sector. In certain cases, these dealings have not been positive. Consequently, municipal officials are committed to establishing a partner search and selection process that is fair, transparent, and fully capable of protecting the interests of the municipality and its constituents. The municipality intends to select a proponent with the necessary attributes and qualifications to ensure the Complex is constructed, maintained, and operated at standards that fulfil the expectation of park patrons and the City. Further, Hamilton wishes to provide affordable and accessible facilities to its residents in a fashion that is consistent with the City's corporate culture and operating style.

### *1.5 Scope of the Project*

The minimum scope of the project is the development, construction, and operation of a commercial complex and amenities capable of meeting the retail, leisure, and recreation requirements of Hamilton residents. The City believes that a partnership with the private sector will bring to the project advantages that may not be inherent with a facility built and operated in the traditional municipal fashion. As such, Hamilton is willing to consider any creative public/private relationships as long as the City's objectives for the development are achieved and a relationship has legal authority under the *Municipal Act*.

Although a number of preliminary planning studies have resulted in the identification of elements and features that could become part of the project, proponents should understand that the City has not commissioned a market study for any type of venture in this area. While every attempt has been made to provide proponents with detailed and comprehensive information about community leisure requirements and commercial and retail market conditions, the City accepts no responsibility for conclusions made by proponents based upon information included in this document, attached appendices or other material that may be furnished to proponents throughout the entire search and selection process. Therefore, it is the responsibility of each proponent to validate their own assumptions and to base proposals upon sufficient and adequate information drawn from independently conducted market studies and/or all other possible sources.

While proponents are encouraged to develop innovative concepts, the following items have been identified as being compatible with the City's intentions for the site.

- Small tour boat or charter concessions. (separate approvals will be required from the Hamilton Harbour Commissioners).
- Restaurants, cafes or other food services which may operate year-round.
- Seasonal or year-round small food concessions.
- Bicycle and/or in-line skate rentals.
- Paddleboats and/or canoe rentals.
- Retail outlets for goods and services.
- Retail outlets for artists and artisans.
- Other amenities compatible with park use.

### *1.6 Project Goal and Objectives*

The City of Hamilton is interested in developing a relationship with private enterprise for the development, construction, and operation of waterfront amenities at Bayfront Park so that the project can be the beneficiary of the combined expertise and resources offered through both the public and private sectors. The municipality's goal for the project is to create a mutually beneficial, long-term relationship with a private partner through which the following objectives can be realized.

- To provide a full range retail complex.
- To provide public amenities and attractions.
- To maximize the financial benefit(s) to the City and its partner(s).
- To maximize the service benefits to park users.
- To minimize municipal funding to the project.
- To enhance the attractiveness of the park and its facilities.
- To enhance the leisure and retail experience of waterfront visitors.

### *1.7 Partnership Principles*

The City of Hamilton has adopted partnership principles that will guide the process of developing a public/private partnership for the development and operation of waterfront amenities at Bayfront Park. Principles will be applied during the evaluation of proposals and proponents are advised to reflect the various concepts within the submissions. The following summarizes the issues and considerations related to each partnership principle. Although various examples (such as policies) have been used to

demonstrate the applicability of the principles, proponents should be advised that whenever examples appear, the list is not necessarily complete or limited to those provided.

## Partnership Principle #1
## Compliance with Municipal Values and Philosophies

All aspects of the proposed development will be required to comply with Hamilton's philosophical approach to the delivery of leisure services as well as with any governing legislation. This compliance will extend to leisure service as well as commercial and retail activities occurring in the project's facilities, in the park or on the waterfront. Applicable policies will govern certain aspects of the project's operation. For example, Hamilton's Zero Tolerance of Violence Policy and the Fair Wage Policy must be clearly evident in the proponent's submission. Favourable consideration will be given to proposals indicating the proponent's previous experience in demonstrating sensitivity to municipal values and a mission statement that is consistent with municipal service delivery philosophies and operating approaches.

*Municipal values must be part of the proposed concept, partnership structure, and where applicable operating plans for the waterfront amenities at Bayfront Park.*

## Partnership Principle #2
## Demonstration of Need

The City has not completed a formal analysis of the need for the project. However, anecdotal input from park users as well as the views of special event organizers and other local business officials suggests a high-quality retail and service complex would be a positive attribute to the Bayfront site. Current park visitors and event foot traffic projections are included in the Appendix of this RFP. While these projections are based upon subjective observations rather than accurate data collection methods, City officials expect foot traffic would substantially increase once the project was developed. The Appendix also includes a list of annual events and a profile of the type of visitors generally attending each occasion.

Other initiatives such as the downtown entertainment project, the transportation network, and the revitalization of adjacent properties are advantageous to the Bayfront project. Increased boat traffic resultant from recent upgrades to local marinas would also assist in adding to the viability of a retail complex. Furthermore, the waterfront trail and other adjacent recreation facilities would add to the appeal of a commercial component in the park. It is the City's hope that the combination of these factors will assist the development for filling the project's objective of elevating the Bayfront Park to a four-season destination.

*Proponents will be required to complete a detailed needs analysis and feasibility study upon which the proposed development concept and partnership relationship should be based.*

*Priority consideration will be given to candidates who explore the need for creative and unique commercial, retail, and service elements consistent with customer trends, profiles of current and future park users and the future demographic makeup of the City.*

## Partnership Principle #3
## Stakeholder Involvement

Given the project is apt to be a positive catalyst to retail and commercial activity in the area, it is not expected that local businesses or other stakeholders will object to the development. Furthermore, certain local businesses and concessionaires have expressed desire to be involved in the Bayfront project. Information will be solicited from these individuals and opportunities to receive their input will be provided. Moreover, opportunities for input from stakeholder groups such as event organizers, local residents, Central and North Community Associations, parks users from outside the City, and other interested individuals will be required. In the event that re-zoning is necessary, public consultation will be a requirement of the application process. The municipality will supervise and/or lead all public consultation activities and will involve private interests as necessary.

Following the selection of the successful proponent and the negotiation of an acceptable agreement, various groups and individuals may be consulted to ensure the final concept, facility design and service strategy of the park is congruent with the community's expectations. Any possible adjustments to the concept caused by community input will only be considered if both the City and the successful proponent mutually agree to such changes.

Proponents must understand the Transition Board responsible for municipal amalgamation will be required to approve the final partnership agreement.

*Park users and others potentially affected by the Bayfront retail complex will be appropriately involved in the planning and development of the project. Although the City anticipates public consultation activities may require the involvement of potential partners, the municipality will be responsible for initiating and implementing public comment. There may be the necessity to communicate with others who are affected by the project yet are non-park users. A pre-established plan that foresees the need for public relations initiatives and that offers organized responses to potential development implications will be considered as a joint consultation program between the municipality and the proponent.*

## Partnership Principle #4
## Value Of The Proposed Relationship

Approximately $20 million of public funds has been invested in the Bayfront Park site to date. While the site is already serviced, there may be the necessity to upgrade certain services to accommodate a project

of the anticipated magnitude. Consequently, there is a possible additional municipal capital investment required. The City also understands and accepts its financial obligations associated with remedial environmental issues.

The City expects to receive fair value for its land and capital investment in the park site. A variety of relationship structures are possible and creative agreements are encouraged from proponents. Furthermore, opportunities to reduce operating costs of the park by leveraging the involvement of a private partner could provide a supplementary financial advantage to the proposed partnership relationship.

> *The complex will be developed and operated consistent with the project objectives and will fulfil the retail, leisure, and service expectations of the municipality. Propositions offering acceptable financial benefit and return on investment to the municipality while increasing the service standard to park users will be regarded favourably. In view of the City's current and long term capital budget plans, propositions involving no municipal capital contribution (beyond items required for environmental restoration and services upgrades) will receive positive consideration. The City's contribution to the project will be consistent with what is permissible under the Municipal Act. The Act prohibits granting of bonuses to commercial and other enterprises including, but not limited to, such things as leasing or selling of any municipal property at below fair market value, or providing a total or partial exemption for any levy, charge or fee. While development charges are within the municipality's sole jurisdiction, propositions suggesting the elimination of City charges must provide an extremely compelling rationale for this alternative to be favourably considered.*

## Partnership Principle #5
## Control Responsibilities

Depending upon the proposed scope and nature of proponent concepts, the City may wish to retain certain controls over selected aspects of the development and operations of the Complex. An overriding principle driving many control items will be the need to establish and maintain a family atmosphere. Also, the City expects architectural treatment of the complex will be consistent with the design considerations and other technical matters outlined in this RFP. Proponents wishing to deviate from the specified architectural considerations must provide compelling justification and supporting rationale.

The municipality may establish guidelines governing certain operating issues such as acceptable hours of operation, cleanliness and maintenance standards, noise abatement strategies, etc. Moreover, the City, in its sole discretion, will establish an interpretation of community standards and provide the proponent with an appropriate description. The successful partnership candidate will be expected to operate the complex in accordance with community standards. Further, the City will retain the right to implement controls to protect local residents and neighbours of the site from negative influences or impacts caused by the

project. Restaurants and other food and beverage establishments serving alcohol will be expected to operate within the Ontario Government policies for licensed premises rather than the City's alcohol management policy.

*The City will be obligated to retain controls over certain aspects of the development and operations of the retail complex. Clearly the municipality recognizes its influence on operations must be consistent with the level of City contribution and participation in the project. Yet, municipal officials must exercise some degree of control to protect the public's interest and reduce the municipality's exposure to apparent risks.*

## Partnership Principle #6
## Partners Attributes

The qualities, attributes, and resources required by potential partners must be consistent with the scope and nature of the proposed project. While the City recognizes that consortiums may provide certain attributes from a variety of sources, it will be important that proposals clearly delineate the capacities of the entire team.

*Potential partners (individuals or consortiums) must demonstrate the expertise, resources, and experience necessary to fill their project responsibilities, based upon the scope and nature of the proposed concept.*

## Partnership Principle #7
## Assumption of Risk

Recognizing that partnerships and coordinated approaches to the development of joint projects are influenced by a variety of uncontrollable and frequently unforeseen conditions, it is reasonable to expect that risk will be equitably allocated based on capital contribution and anticipated return on a partner's investment in the project. It is anticipated the City will continue to maintain the park and will therefore assume all liabilities associated with park use. However, clear guidelines will be necessary to distinguish between the absorption of liability and other risks in general gathering areas or when users are common to the park and the retail complex.

Controls and remedies such as those normally included in standard landlord/tenant agreements will be included in the partnership arrangement between the project and retail operators. Depending upon the level of involvement by the municipality in the complex, leases may require City approval. Furthermore, the City may require a minimum capital conservation commitment by the proponent for the project.

*The City will minimize its risk exposure through a variety of mechanisms. The City's willingness to establish an arrangement with a private partner and potentially contribute to the*

*project will be commensurate with its assessment of the inherent risk of the proposed concept.*

## Partnership Principle #8
## Proposed Concept

Proponents must be capable of demonstrating the worthiness of the proposed concept. Proposed concepts should be sound and based upon accurate interpretation of market study data and other information collected by the potential partner. The concept must contain a management structure that reflects the roles and financial obligations of the partners, planned operating models capable of meeting the City's quality standards, and where necessary, customer service initiatives and dispute resolution mechanisms should be provided. The concept should also include an indication of proponent's systems and/or mechanisms to comply with the obligations, roles, and responsibilities outlined in this RFP. The proposed development timetable and implementation schedule must be reasonable.

*Proposals presenting unique and creative concepts that conform to the City's partnership principles and are sensitive to project goals and objectives will be viewed positively. Furthermore, development and operating concepts that contribute to the Bayfront Park site becoming a four-season destination and that increase the community benefit inherent with this substantial municipal asset will be given favourable consideration.*

## Partnership Principle #9
## Business Proposition

The submission must provide an outline of the economic/market analysis inclusive of financial implications associated with the proposed development and concept plan. Income distribution must reflect each partner's contribution to the project and involvement in day-to-day activities. While the concept must conform to the municipal philosophies, the plan should also illustrate new and creative approaches to the development of the project, the management of the complex, and the delivery of services contemplated in the concept.

*The proposed concept must be sufficiently developed to demonstrate its economic viability, benefit to the community, financial advantage to the municipality, and lifestyle contribution to City residents.*

# 2. PROJECT TECHNICAL INFORMATION

## *2.1 Site Location*

The site is located on Macassa Bay in the west end of Hamilton Harbour. (See Figure ?-Location Plan in the Appendix). Figure? - Existing Conditions, show the site in context with the adjacent lands. The property is situated below Bay Street North adjacent to Macassa Bay Walkway and Pier 4 Park. A paved and lighted street, called Harbourfront Drive, provides access from Bay Street North to the site. Located in the recreational area of Hamilton Harbour, the site has outstanding views to the wooded shores of Burlington, the T. B. McQuesten Bridge, Dundurn Castle, and Pier 4 Park.

## *2.2 Site Description*

The site available for development is illustrated on Figure ?

Describe site and zone area, proposed use, base conditions.

Bayfront Park is a 16 ha (40 acre) passive City park developed and opened in August 1993. The "island" portion of the park encloses and shelters Macassa Bay. Bayfront Park features a 1 km. paved walkway that hugs the natural shoreline, passing a sandy beach and pockets of natural landscape. The upper plateau is the venue for many festivals, picnics, and the ever-popular Aquafest Waterfront Festival.

Total area available for development is????? sq.ft. on ????? acres.

## *2.3 Adjacent Land Uses*

Just north of the site is Macassa Bay Walkway. This walkway connects Bayfront Park and Pier 4 Park through an area occupied by the Macassa Bay Yacht Club and McDonald Marine Services and extends along the Harbour shoreline to the T.B. McQuesten Bridge and beyond. The adjacent land uses are shown on Figure ?. Pier 4 Park is located to the north of the subject property.via Macassa Bay Walkway. Pier 4 Park is a fully developed City park, 3.0 ha (7.5 acre) in size, which was completed in July 1993. The Park features a wooden pier and sun shelter, a tugboat play area, landscaped open space, and a heritage public building. This public building, formerly known as the Gartshore Thomson Building provides public washrooms and public meeting space. The Hamilton Bay Sailing Club, a tenant in the basement of the building, has a small storage compound beside the building, access to a boat launching ramp and dock.

To the north of Pier 4 Park, there is the Leander Boat Club, a prestigious rowing club that has existed for

over 100 years; the Harbour West Marina Complex, owned and operated by the Hamilton Harbour Commissioners; and the Royal Hamilton Yacht Club. Immediately to the north of the site is the Macassa Bay Yacht Club (M.B.Y.C.) a non-profit club that provides docking facilities for 100 boats in Macassa Bay. M.B.Y.C. is a tenant on land and water lots owned by the City and has recently constructed a new clubhouse.

### *2.4 Recent and Future Developments*

Hamilton Harbour, recognized as one of the Great Lakes' most important industrial ports, is breathing new life again... literally. Over the past ten years, Hamilton Harbour and the West Harbourfront Precinct have been the subject of many initiatives by the public and private sectors to improve water quality, increase harbour access, protect heritage and environmental resources, stimulate the economy, and provide for the City's and Region's long-term transportation needs.

Since 1989, over $92 million has been spent by the public sector on environmental, tourism, and urban renewal projects on the harbour and in the West Harbourfront Precinct. A significant financial commitment has also been made by the local industries to clean up the harbour.

The results have been outstanding. The water quality has steadily improved, fish populations have dramatically increased, and people have returned to swim in the harbour. Pier 4 and Bayfront Parks have become the pride of Hamiltonians and represent destinations for visitors. Aquafest, the Region's annual waterfront festival centred on these parks, has steadily grown in popularity and attendance over the past five years and includes the participation of the Hamilton Harbour Commissioners, Macassa Bay Yacht Club, and H.M.C.S. Star Naval Base.

The renewed interest in the harbour has also led to an increase in demand for recreational boating and docking space. In response, the Hamilton Harbour Commissioners (H.H.C.) has spent $3.5 million on their Harbour West Marina Complex; the Macassa Bay Yacht Club has spent $450,000. on a new club house, and the City has built a public boat launch in Bayfront Park and another launch in Pier 4 Park for use by the Hamilton Bay Sailing Club. The H.H.C. has also constructed a public boat launch adjacent to Burlington Canal, under the Burlington Bay James N. Allan Skyway Bridge.

The West Harbourfront Precinct is developing into one of the City's most prestigious and sought after locations. The City undertook the West Harbourfront Development Study (W.H.D.S.) from 1993-1995. The final report, dated November 1995, describes in detail a possible vision for this precinct that would see a transformation of the railway marshalling yards and surrounding lands into a high-quality mix-use development focusing on tourism, recreation, residential, commercial, and transportation uses. The City has secured property along the shoreline from CN Rail to develop a recreational pathway from Bayfront Park to Desjardins Canal; this $5M project officially opened for public use on July 1, 2000.

## *2.5 Official Plan and Zoning*

The subject lands are currently designated as open space and a Special Policy Area #A.2.9.3.3. in the Official Plan, however, this area is under review and will be dealt with in a future official plan amendment. All lands within this neighbourhood are subject to Site Plan Control By-law No.90-285.

The zoning of the subject lands are governed by the City of Hamilton Zoning By-law No.06593, as amended from time to time. This By-law is administered by the City of Hamilton, Building Department, City Hall, 3rd Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5. The general inquiry number is (905) 546-2720.

The subject property is zoned CF-1, Special Waterfront District. For convenience, Official Plan Special Policy A.2.9.3.3. a zoning plan (Figure ?), and the 'F' District Requirements of Use are attached in the Appendix. For accurate reference and recourse, proponents shall consult the official By-laws.

## *2.6 Soils Information*

- remediated site details ???

## *2.7 Existing Services*

During the development of Pier 4 and Bayfront Parks in 1993, the paved and curbed roadway was built to the site and a 6m (20ft.) paved roadway through the site to Pier 4 Park was also constructed. Decorative nautical street lighting was installed throughout the park. These are 150w HPS lights on 18ft. poles (see Figure ?)

Rework*****

****Also, hydro, water, sanitary and storm sewers were installed in 1993, as shown on Figure ?. The hydro corridor includes a bank of 8-SOmm ducts, and a 89mm Bell telephone duct. A 75kva transformer, located at the south end of Zone 2, provides the power supply to the site. Additional power is available from this transformer. The duct bank has some empty ducts to feed new power and telecommunications cables. The sanitary sewer is a 3OOmm diameter pipe and the storm sewer is a 6OOmm diameter pipe where they cross the site.

A 15Omm diameter water main is located in Pier 4 Park approximately 10m north of Zones 1 and 2. This water main terminates at a fire hydrant. The site is serviced at the southern end from a water main, which comes down the hill from Bay Street North and Picton Street and terminates at a fire hydrant. A new gas line has recently been installed to the site at the southern end. A cable television. line has recently been installed south of the site to the new M.B.Y.C. clubhouse.

### *2.8 Shoreline Treatment*

Rewrite

### *2.9 Landscaping*

All public lands have been planted and are maintained by the City. The proponent shall be responsible for preparing a planting and landscaping plan and implement and maintain the plan for all leased lands.

# 3. RISK ALLOCATION

## *3.1 Overview*

All responses are to be prepared by, and at the expense of each proponent. The City is not responsible, in any respect for any expenses, damage, loss or liability incurred by a proponent, or for any plans, drawings, specifications, studies or analysis prepared for or by the proponent in regards to its submission.

## *3.2 Sample of Allocation*

The following is a sample of intended sharing of risks associated with items contained in this RFP. The list represents the City's position and likely direction regarding risk allocation and is presented as a basis upon which risk strategy propositions should be prepared.

| Risk Category | Risk Allocation |
|---|---|
| Adherence to project specifications | Proponent |
| Cost of submission | Proponent |
| Environmental compliance | City |
| Site servicing | City |
| Servicing connections to development | Proponent |
| Determination of community standards | City |
| Establishment of quality standards | City |
| Project concept development and complex design | Proponent |
| Design approval | City |
| Quality management | Proponent |
| Construction management | Proponent |
| Environmental approvals | City/Proponent |
| Public consultation | City/Proponent |
| Project financing | Proponent |
| Project management (property and selected service mgmt.) | Proponent |
| Park management | City |
| Financial risk associated with operations | Proponent |
| Quality audit | City |
| Ongoing quality improvement | Proponent |

# 4. BUSINESS OPPORTUNITY

## *4.1 General*

Hamilton's key objective for exploring a public-private partnership for development and operation of waterfront amenities at Bayfront Park is to deliver to the community a full range of retail and public amenities/attractions, which provide the City a financial return on its current investment in the project while minimizing the need for additional government funding. Furthermore, the City wishes to enhance the attractiveness of the site, its facilities, and the leisure experience of the water front visitor. As described earlier in this RFP, the City believes the project would benefit from the joint resources and expertise offered through partnership between the public sector and a qualified private proponent.

## *4.2 Ownership Issues*

The lands designated for the proposed development will remain under City ownership.

Depending upon the nature of the proposed concept, the complex may be owned by the proponent, the City, an independent third-party or an alternative ownership model proposed in the submission.

Ownership issues and the implications associated with different approaches will be a matter of negotiation and will be subject to approval by the City Solicitor.

## *4.3 Land Lease Agreement*

It is the City's desire that the opponent enter into a land lease agreement satisfactory to the City Solicitor. The terms of the lease will be finalized with the successful proponent during the negotiation stage of this process.

The City is currently involved in several land leases with various community organizations, not-for-profit groups, and commercial ventures. To assist proponents in developing an understanding of the City's predisposition associated with land leases, the following items illustrate the application of existing approaches on a potential land lease agreement in Bayfront Park.

i) Grant

- ***• Lands leased include. ???

ii) Term

- 10 to 20 years depending on extent of leasehold improvements proposed in

addition to improvements required. Available term will depend on many factors including the type of use proposed and the site improvements, which proponents intend to make. Proponent should specify desired terms.

iii) Rent

- To be negotiated.
- Type of use will reflect cost of rent.
- Rent net to City: Proponent is responsible for costs of operations(realty taxes, maintenance (including weed removal, snow removal telephone, hydro...)

iv) Improvements

See 5.1 "Site Requirements and Design Principles".

v) Mortgage Clause

- The City will contemplate an agreement, which provides the proponent with a right to mortgage the agreement under terms acceptable to the City.

vi) Insurance

The following are the City's usual requirements for commercial entrepreneurs; however, proponents should be aware that specific insurance requirements might be increased depending upon the nature of the proposed use. The requirements set out below are minimums only and shall not be taken as binding by the City.

- $3,000,000 Comprehensive General Liability Insurance per occurrence providing for the City as additional insured (this is the standard requirement for commercial user groups and Tenants of the City)

- If obtaining a Special Events permit in order to serve alcohol (ie:AquaFest beer tent) then to increase insurance to $5,000,000 and show liquor liability and products liability coverage (City standard).

- Fire insurance on buildings.

vii) City Right to Inspect

- City has the right to inspect the buildings and lands for state of repair and the City will retain an unfettered right to enter onto the land to bring the facilities into proper repair.

ix) Assignment

- Proponent cannot assign or sell business without consent of the City.

# 5. PROPOSAL CONDITIONS

## *5.1 General*

Proponents are required to make submissions responding to the proposal conditions as set out in the following sections. It should be understood that the conditions have been established in accordance with the City's expectations for the project and provide specificity to the project goals, objectives, and planning principles defined earlier in this RFP. Proponents are at liberty to propose deviations to certain conditions; however are advised to provide supporting rationale and justification regarding the introduction of alternative approaches.

## *5.2 Site Requirements and Design Principles*

Proposals may include supporting services, which are specified below. In addition, submissions should address and be consistent with the design principles and other parameters described in the following sections.

It should be noted that design discussions and review will be held with the selected proponent(s) and all final designs will be subject to City (and other jurisdictional authority) approval.

i) All supporting site infrastructure and utilities to service the project must be included as part of the proposed project and designed and constructed to the satisfaction of the City and all authorities having jurisdiction, (including, but not limited to, hydro, water distribution, waste water collection systems, heating, and parking). Such site services, uses, and utilities should be located within the complex.

ii) The proposed project must be self-sufficient in terms of parking available on site and is not to affect or spill-over onto adjacent roads or other existing parking facilities in the vicinity. The proponent will be required to establish appropriate operations, mechanisms and controls to monitor and manage parking to ensure the project's operation does not negatively impact the adjacent neighbourhood.

iii) Residential uses and high-density development will not be allowed.

iv) Attractive landscaping of all buildings, structures, parking areas, and service facilities areas must be provided.

v) All buildings, site grades, trails, promenades, driveways, parking, washrooms, among

other facilities, must be accessible to, and incorporate facilities designed or dedicated to specifically accommodate people with physical disabilities.

vi) The extent of private/security fencing is to be minimized where possible through creative landscaping, facility operations or management approaches. The intent is to maintain visual integration of those areas as being within the public realm.

vii) Any special outdoor events, shows or major programming should not conflict with existing community events or festivals held in the adjacent park, and must be approved by the City. Proponents are encouraged to work with existing festival organizers to coordinate timing of events, contribute to or enhance existing programs, and to share facilities or site areas.

viii) All buildings and structures including support facilities, signage, and site furnishings are to be attractive and should be designed in accordance with the architectural and site furnishing of the adjacent parks. Exterior benches and public trash receptacles provided by the proponent must conform in style, model, and colour to those being provided by the City.

ix) Exterior signage on buildings or structures should be kept to a maximum of 10% of the front facade of the first story of the building or structure. All exterior signage for identification or directional purpose will be incorporated into the parks signage policy.

x) Extensive flood lighting is to be avoided. Any exterior flood or security lighting of critical areas will be directed down and away from adjacent residents.

## *5.3 Roles and Responsibilities - Capital Asset Design and Construction*

In preparing proposals, proponents should be aware of the City's preferences as to the roles and responsibilities of the proponent and the City during the design, construction, operation, and maintenance of the project. This information is in support of the Risk Allocation items presented earlier in this RFP.

### 5.3.1 The Proponent

The items below represent the proponent's roles and responsibilities for the capital works component of the project.

i) The financing, design and construction of all project components, including any associated services, utilities, or other support facilities; including but not limited to hydro, heating services, water distribution and wastewater collection systems, on site stormwater

management systems, and including any upgrades or improvements to existing municipal services or utilities which may be triggered by the proposed project.

ii) Payment of any and all applicable development charges and fees, local improvement charges, deposits, assessments, connection charges, inspection fees, application of processing fees and other charges of the appropriate authorities.

iii) Identifying and obtaining any and all approvals, permits, licenses, certificates, authorizations, agreements, plans, among others and satisfying all legislative requirements and laws of all levels of government and all authorities having jurisdiction relating to the approval of the project, its design and construction. The selected proponent should also be prepared to attend at least one public open house meeting to present their project plans to the public.

iv) Undertaking and coordinating construction in an orderly and timely manner. The City will require that all project construction be completed in accordance with the approved development schedule and in compliance with all pertinent legislative requirements and performance parameters to be specified in the contract.

v) The provision of all surveys, (e.g. boundary, topography, foundation, and building location surveys, and reference plans) as required.

vi) The provision of appropriate performance and compliance securities to the appropriate authorities.

vii) Undertaking all material testing, determining and improving soil and subsurface geotechnical and environmental conditions, and contract and environmental impairment liabilities of facilities built by the project lands and complying with all quality control requirements of approval authorities.

vii) All costs of the project construction, including but not limited to any and all claims relating to the project such as project delays, litigation, and occupational health and safety liabilities.

viii) To provide a Performance Bond for 100% of the costs of the construction program and a Labour and Materials Bond in the amount of 50% of the total cost of the construction program, or an unconditional irrevocable letter of credit from a bank acceptable to the City in the amount of 150% of the total cost of the construction program.

### 5.3.2 City of Hamilton

The roles and responsibilities of the City include, but are not necessarily limited to:

i) Review and approve the architectural design and treatments including exterior colours and materials of buildings and structures, exterior design and thematic concept for signage packages, site furniture, and lighting.

ii) Review, approve, and monitor the design and construction of facilities to ensure they are undertaken in a timely and orderly fashion and completed to the satisfaction of the City and all authorities having jurisdiction.

iii) Approve construction techniques, facility locations, scale, design, and construction programs, including plans, drawings, and construction specifications and conditions.

iv) Inspect the construction of major capital facilities and infrastructure services.

v) Review and approval the issuance of wastewater and water service permits.

vi) Facilitate the successful proponent in obtaining any planning permits or other approvals.

vii) Arranging any public meetings.

viii) Ensuring that all construction is completed and on time and thereby will require the successful proponents ??? incomplete – type different from balance of section

## *5.4 Project Operation and Maintenance*

### 5.4.1 The Proponent

The proponent will be responsible for the management, operation and maintenance of the entire project, including the following.

i) all operating costs, including those related to management staff expenses, realty, business and other taxes, licenses, utilities, lease fees, insurance, etc.

ii) costs related to a capital maintenance program, ongoing replacement of facilities, infrastructure and services needed to keep the facilities in good repair and condition to the end of the lease or contract period.

iii) development of operating procedures and standard acceptable to the City.

iv) maintenance of on-site water distribution, wastewater collection, heating and hydro, and storm water management systems.

v) the delivery of quality customer service to a standard acceptable to the City and capable of maintaining customers and clients, as well as a complaint resolution methodology consistent with industry standards.

vi) on-site parking management, control, and enforcement.

vii) marketing and promotion of the project, facilities, and services to attract and maintain customers, clients, visitors, and tourists.

viii) collection of all project revenues including tenant rents and user fees.

ix) collection and payment distribution of appropriate federal, provincial, local and regional taxes, charges, and fees.

x) full management services including accounting, purchasing, legal, and human resources.

xi) complete grounds maintenance, including litter collection.

xii) monitoring and maintaining the premises and grounds for public safety.

xiii) ensuring that tenants and other operators on the project site remain within limits/parameters established by the City .

xiv) providing and maintaining appropriate insurances for third party liability, property insurance, occupational health and safety liability, environmental impairment resulting from operations of the facilities of the project etc.

xv) meeting all present and future legislative health, safety and environmental standards.

### 5.4.2 City of Hamilton

The City must ensure a continuation, and a quality level, of service throughout the contract period and therefore, the City:

i) may require the proponent to provide operating securities representing an amount of 50% of one year's annual operating costs.

ii) will inspect the condition of the premises and facilities.

iii) will monitor facilities operations and capital facilities maintenance performance against pre-established measures.

iv) will review annual maintenance programs and any remedial work.

v) approve any proposed alternative or new uses or services.

vi) will monitor public complaints and responses of the proponent.

vii) will review for approval any proposed alterations to buildings or facilities.

viii) review for approval plans, designs and construction contracts for all major repair or enhancements or changes to site water distribution and wastewater collection systems.

ix) consider for approval any proposed special events, festivals, shows, sales, etc. including timing, location on the site, and the applicability of entrance fees.

## 6. DEVELOPMENT GUIDELINES

As mentioned in Section 2.5, the lands available for lease are subject to Site Plan Control By-law No.90-285, Zoning By-law No.06593, and Official Plan Special Policy No. A.2.9.3.3. It is the City's intent to encourage a proponent to develop high quality amenities that are compatible with the architectural and landscape architectural character of Pier 4 and Bayfront Parks and the adjacent neighbourhood.

The following development guidelines have been prepared for the Bayfront Park area:

Building Style: Small detached building

Height: Two and a half storeys

Groupings and Setbacks: to be determined

Theme:

The Victorian architecture of the designated buildings (433, 455, 469 Bay Street North) and the Gartshore Thomson Building in Pier 4 Park influence the Macassa Bay area. The other predominant architectural style in the neighbourhood is cottage style homes with horizontal wood siding. All new buildings should match these styles of architecture with gabled roofs and wooden verandas where appropriate.

Materials and Colour: Red brick construction with Victorian-style wood verandas gingerbread, ornamental woodwork or white clapboard with horizontal wood siding.

Open Space: Any buildings placed in Bayfront Park shall offer views to the bay.

Streetscape: The current streetscape featuring a 6m-wide (20 ft.) asphalt paved walkway and harbour-front lights, shall be maintained. Benches, trash containers and other site furnishings provided by the proponent shall match those installed in Pier 4 and Bayfront Parks.

Landscaping: The landscaping of the site should be in a manner consistent with that in Pier 4 and Bayfront Parks. The use of flowerbeds is encouraged. The City's Parks Division shall approve landscaping.

# 7. SUMMARY OF PUBLIC AND PRIVATE COMMITMENTS TO THE WEST HAMILTON HARBOUR PRECINCT

## *7.1 Public Sector Initiatives - Environmental*

The Remedial Action Plan for Hamilton Harbour is a plan to improve water quality and habitat in Hamilton Harbour and Cootes Paradise, to re-establish a healthy aquatic ecosystem, and to improve the potential for more extensive recreational uses while maintaining the harbour's essential economic function. This is a long-term plan that involves the active participation of all levels of government, related agencies, and private sector partners having an interest in the harbour. Component projects meeting the objectives of RAP, since 1989, are listed below:

| | | |
|---|---|---|
| Fish and Wildlife Habitat Restoration Project | Federal/Provincial/Municipal | $5.5M |
| Bayfront Park site remediation | Provincial/Municipal | $7.5M |
| Combined storm sewer Overflow tanks – four Locations | Federal/Provincial/Municipal | $47.OM |
| Various other projects | Federal/Provincial/Municipal | $15.OM |
| Total expenditures since 1989 | | in excess of $75.0 million* |

(* totals include projects having an impact on the West Harbourfront area, but located outside of its boundaries)

### 7.1.1 Parks, Recreation and Open Space

An established network of parks, trails, and recreational facilities provide residents and visitors with opportunities to return experience Hamilton Harbour and enjoy its spectacular views. The West Harbourfront area offers 46 ha. (114 ac.) of developed parks and natural open space lands, and 5 km (3 mi.) of developed trails. Nearby, the Royal Botanical Gardens and Carroll's Point encompass another 1093 ha. (2700 ac.) of natural open space making this area one of the most picturesque in Southern Ontario. Recent construction projects are listed below:

| | | |
|---|---|---|
| Bayfront Park Development | Provincial/Municipal | $2.3M |
| Pier 4 Park Development | Provincial/Municipal | $2.2M |
| Harbour West Marina Complex | Federal | $3.5M |
| Desjardins Trail Development | Federal/Municipal | $0.5M |
| James Street North Parkette | Municipal | $0.1M |
| Waterfront Trail acquisition and Development | Municipal | $7.0 M |
| Parks, Recreation and Open Space Total | | $8.6 M |

### 7.1.2 Tourism

Hundreds of attractions are available within a 65 km (40 mi.) radius of the Region of Hamilton-Wentworth for the enjoyment of all ages. World-renowned Royal Botanical Gardens, art galleries, historic homes, and museums are adjacent to the West Harbour front area. The following is a list of some recent expenditures on attractions in the West Harbourfront area.

| | | |
|---|---|---|
| Worker's Heritage Centre | Provincial/Municipal | $2.4M |
| Multicultural Gardens (planning) | Municipal | $0.3M |
| AquaFest Annual Waterfront Festival | Municipal | $0. 1M |
| Dundurn Castle Restoration | Provincial/Municipal | $4.4M |
| Tourism Total | | $7.2 million |

### 7.1.3 Urban Renewal

Implementation of master plan studies, fully involving the public participation process, have resulted in green, landscaped, pedestrian-oriented designs that recognize the diversity of individual neighbourhoods. These improvements provide linkages between neighbourhoods, the urban core, and the harbour area. Listed below are r

| | |
|---|---|
| Hamilton Harbour Improvements by Local Industry | |
| - Stelco and Dofasco (Total expenditures since 1990) | $60.0M |
| Sediment Remediation | |
| - Private Sector | $4.0M |
| **Private Sector Initiatives Total** | **$64.4M** |

## 8.0 PROPOSAL SUBMISSION AND SELECTION PROCESS

This section outlines the proposal submission particulars and the process leading to the selection of the successful proponent.

### *8.1 The Selection Process and Committee Composition*

The City is conducting a three-stage selection process with this Request For Proposal representing the start of the second stage as described below.

- Stage One involved a number of proponents submitting a Letter Of Interest outlining their development concept, qualifications and experience, relationship structure, financial capabilities, and proposed relationship with the City. Successful proponents were recommended to proceed to Stage Two.

- Proponents chosen to proceed to Stage Two will produce comprehensive proposals, which will both refine and describe their concepts and development plans in more detail. The City's Selection Team will evaluate the proposals, inclusive of a proposal presentation, and submit a recommendation regarding the selected proponent to Council for approval.

- Stage Three is the final stage of the process and involves the negotiation of the final agreement(s). This agreement(s) will be negotiated using accepted business principles for the development of the preferred facility and service concept. The City may wish to negotiate some adjustments or additions to the selected proponent's concept, which may be in keeping with facility or leisure service requirements to meet community needs.

    - A Selection Committee ("The Committee") will be comprised of the following members:

        > Department of Public Works and Traffic – Parks Division
        > Community Planning and Development
        > Community Services
        > Corporate Services (Legal Services/Facilities Management)
        > Finance

        In conducting their evaluation, the Committee may solicit advice from outside professional advisors or consultants as it or the City considers useful.

    - A Negotiating Committee will be composed of a representative from various City

Departments and consultants as necessary:

*8.2 Submission Particulars*

*8.2.1 Number of Copies of Proposal*: ___???_____

*8.2.2 Address of Submission:*

Purchasing Division
3rd Floor
Corporation of the City of Hamilton
50 Main Street East
Hamilton, ON
L8N 1E9

Neither late nor faxed submissions to this Stage Two Request For Proposal will be accepted.

*8.2.3 Submission Deadline: on or before 3:00 p.m.* _____

*8.2.4 Transmittal Letter:* Proposals must include a transmittal letter, stating the name of the Principal responding firm, address, telephone number and fax number of the person (name and title required) authorized to negotiate on behalf of the submitting party. The transmittal letter must be signed by the specified individual, and should also identify all organizations participating in the response, and their relationship to one another.

*8.2.5 Executive Summary*: Proposals must include an Executive Summary of a maximum of 4 to 5 pages, containing an overview of the proponent's concept, understanding of the project, and methodology of development and operation.

*8.2.6 Staff Contacts:* For technical and process inquiries contact:

Mr. Werner Plessl
Co-ordinator, Parks Development and Maintenance
Public Works and Traffic Department,
Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4
Telephone: (905) 546-3923 Fax: (905) 546-2443
E-mail parksdev@interlynx.net

Proponents are advised that contact regarding this project with any person other than identified above is strictly prohibited and may result in disqualification. Without limiting the generality of the foregoing, proponents shall make no attempt to contact any member of the Selection Committee, advisors to the Selection Committee, any staff of the City of Hamilton or any member of Hamilton Council or their staff.

Disqualification as a result of the above may be made at anytime in the selection process and at the sole and absolute determination of the Selection Committee.

In order to ensure fairness and openness in the selection process, representatives of the City and its advisors will not hold private meetings or conversations with respect to the RFP with any representatives of proponents, other than to seek clarification of proposals or as part of the selection procedure such as proponent interviews.

*8.2.7* ***Addenda***: After reviewing the RFP document, proponents are encouraged to report and request clarification of any discrepancy, ambiguity, or inconsistency. All requests for information with respect to this RFP should be directed to Mr. Werner Plessl (faxes accepted). If such requests result in a change to the requirements of this document, the City will prepare and issue an Addendum to this RFP. The deadline for receipt of all questions is _____.

All responses to such requests will be issued within 10 days to all proponents. A written request for additional clarification received after this date may be responded to at the sole discretion of the City.

*8.2.8* ***Evaluation for Completeness***: Proposals will first be evaluated for completeness as per the Request For Proposal. Proponents submitting proposals deemed not to be complete will be notified and proposals will be returned immediately.

*8.2.9* ***Evaluation and Selection Criteria:*** The Committee will evaluate proposals using a formal assessment template. Selection criteria based upon the Partnership Principles described in Section 1.7, proposals will be used to evaluate proposals and to assess their ability to meet the service and financial objectives outlined in this RFP. The evaluation of proposals will be solely in the City's discretion. The Partnership Principles in addition to other factors as may be adopted by the City, will be used to determine the relative desirability of individual proposals, deemed to be complete following the initial evaluation described above. Relevant criteria information appears in the appendix and will be distributed at the Bidders Conference.

*8.2.10* ***Bidders Conference:*** Members of the Selection Committee will respond to all questions at the bidders' conference. Proponents are forewarned to prepare questions in advance for this meeting. Queries will not be entertained prior to or following this meeting. Answers to questions that could not be properly fielded at the conference will be faxed to all proponents in the form of an addendum.

*8.2.11* ***Proposal Presentations:*** Following the evaluation of written proposal, proponents will be offered an opportunity to present their propositions to the Selection Committee. The results of the formal presentation will be combined with the outcome of the evaluation of the written proposals to select the most appropriate partner candidate.

*8.2.12* ***Project Negotiation Process and Timing:*** Following the evaluation of proposals, all proponents will be notified in writing that the evaluation process is complete and that the City has commenced negotiation with a selected proponent. Negotiations will proceed until an agreement is reached, at which point, a staff report will be presented to Council. The successful proponent, recommended for the project, must enter into a written contract with the City prepared by the City Solicitor. Should negotiations with the selected proponent be discontinued, the City reserves the right to open discussions with other proponents.

*8.2.13* ***Proposal Evaluation Schedule:*** The following dates are subject to change by the City in its sole discretion:

| | |
|---|---|
| Issue Request for Proposal | _____ |
| Bidders Conference | _____ |
| Deadline for Written Questions | _____ |
| Proposal Submission Deadline | _____ |
| Recommended Proponent | _____ |

*8.3 Other Matters*

*8.3.1* ***Accuracy And Completeness Of Information:*** All information is assumed to be accurate. Any evidence of false or intentionally misleading information may lead to the rejection of the proposal. The City may act at its sole discretion to determine if information provided is false or intentionally misleading. No adjustments to proposals will be considered after the closing date and time. An authorized signing officer of the proponent company and each of the equity and management partners must sign off proposals. All proposals must be complete. Proposals not deemed to be complete will be rejected. Proposals submitted are irrevocable by the proponent and will remain in effect for a period of 120 days after the submission closing date.

*8.3.2* ***Confidentiality of Submissions:*** All information will be considered highly confidential, subject to the provisions and the disclosure requirements of the Municipal Freedom of Information and Protection of Privacy Act, and any other disclosure requirements imposed by law. All contents will be considered as proprietary rights of the proponent. Representatives of the City's Finance Division, who will provide a brief summary to the City Selection Team with respect to the financial ability of the proponent to undertake the project, will review information related to financial information. The City will have the right to make copies of all proposals received for its internal review process and to provide such copies to staff, advisors, and representatives.

*8.3.3* ***Clarification of Proposals:*** The City is not obligated to seek clarification of material contained in a proposal, but reserves the right to do so. While only proposals deemed to be complete in accordance with the Request For Proposal will be considered for evaluation, the City

reserves the right to request clarification of contents, philosophy, approach etc. The City may choose to obtain this clarification verbally, in writing or in a face-to-face meeting. All requests for clarification and clarifications will be documented by staff and forwarded to the proponent. The proponent must immediately respond to any disagreement with written points of clarification in writing. All communication with respect to individual proposals will be completely confidential between the proponent and the City. Proponents are prohibited from initiating contact with the City other than as provided for in this RFP and any attempt to do so may result in immediate disqualification. All information submitted in response to a request for clarification becomes part of the proposal.

*8.3.4* ***The City's Right to Reject Any or All Proposals:*** The City reserves the right to reject any or all proposals based on incomplete information, inaccurate or misleading information, or if proposals are apparently incompatible with the City's desired approach to partnering for the development and operations of the waterfront amenities at Bayfront Park. The City also reserves the right to discontinue the evaluation process if in the sole determination of the City, proposals do not represent a relationship into which the City is prepared to enter.

*8.3.5* ***Right to Cancel:*** The City is not bound to accept any proposal and may proceed, in its sole discretion, based upon what it determines following receipt of proposals. The City reserves the right to accept or reject all proposals in whole or in part; at any time add, delete or modify terms or conditions included in the RFP, and to require all proponents to advise the City of the effect on their proposal of any such changes; issue a second RFP; or decide at any time not to proceed with this RFP.

*8.3.6* ***Tax and Legislation Matters:*** The City makes no representations, warranties or undertakings concerning the tax position, including municipal property and business taxes, or legal consequences of any structure proposed by the proponent with respect to any proposal. The acceptance of any proposal does not constitute a warranty or undertaking by the City as to any tax of legal consequences. Proponents are required to satisfy themselves as to the tax and legal consequences of its proposal. Each proponent must clearly outline in the Financial Plan, any specific tax issues associated with its proposed business structure. Any tax structure proposed by a proponent must comply fully with the provisions of all Canadian and Provincial tax law. Requests for special tax or other legislative concessions will not be entertained. In reviewing the Financial Plan submitted by a proponent, the City will assess the acceptability of any Financial Plan or structure which may require, or is based on, obtaining tax rulings; however, the City reserves the right to reject any business plan which is conditional upon obtaining such rulings.

*8.3.7* ***Ownership and Copyright:*** All materials and information prepared, produced and delivered to the City in the preparation of the proposal and the negotiation and performance of any agreement(s) by the proponent, shall be the sole property of the City.

*8.3.8* ***No Collusion:*** In participating in this RFP, the proponents will not discuss or

communicate, directly or indirectly, with any other proponent or any servant, agent or representative thereof, respecting the preparation or presentation of their proposals. Each proponent's proposal shall be submitted without any connection, knowledge, comparison of figures or arrangements with any other proponent or servant, agent or representative thereof and each proponent will be responsible to ensure that its participation in this process is conducted fairly and without collusion or fraud.

*8.3.9* ***Waiver***: The City does not accept responsibility for any information or any errors or omissions, which may be contained in this RFP, or the schedules, data, materials or documents disclosed or otherwise provided to the proponent pursuant to this RFP. The City makes no representation or warranty, either expressed or implied, in fact or in law, with respect to the accuracy or completeness of this RFP or such schedules, data, materials or documents, and the City shall not be responsible for any action, cost, loss or liability whatsoever arising from the proponent's reliance or use of this RFP or any other technical or historical schedules, data, materials or documents provided by the City. The proponent is responsible for obtaining its own independent financial, legal, accounting, engineering, and technical service advice with respect to any information included in the RFP or in any schedules, data, materials or documents provided or required by the City.

*8.3.10* ***Proponent's Costs:*** All costs and expenses incurred by proponent relating to the proposal and any negotiations with the City will be borne by the proponent. The City is not liable to pay such costs or expenses or to reimburse or compensate proponents under any circumstances, including the rejection of any or all other proposals. The City will not accept responsibility for any delays or costs associated with any reviews or approval process.

*8.3.11* ***Public Announcements:*** Proponents shall not issue news releases or other public announcements pertaining to details of their proposals or the selection process without the prior written approval of the City.

*8.3.12* ***Errors or Omissions:*** It is understood and acknowledged that while the Request For Proposals includes specific requirements, a complete review and recommendation is required. Minor items, not herein specified but obviously required, shall be provided as if specified. Any misinterpretation of requirements within this proposal shall not relieve the proponent of the responsibility of providing the services as aforesaid.

*8.3.13* ***Conflict of Interest:*** The proponent and City staff are to discuss any conflict of interest they may have before undertaking the work outlined in this submission. An employee of the Corporation of the City of Hamilton shall not have a direct or indirect interest in a company or own a company, which sells goods or services to the City. All proponents submitting proposals to the City of Hamilton shall disclose to the City any potential conflict of interest. If such a conflict does exist, the City may, at its discretion, withhold the award of contract from the proponent until the matter is suitably resolved. Further, if during the performance period of the

awarded contract, another client engages the proponent, giving rise to a potential conflict of interest, the proponent shall so inform the City. If the City deems that a significant conflict of interest exists, then the proponent upon being so informed by the City shall refuse the new client's engagement or shall take such other steps as are necessary to remove the conflict.

## 9.0 PROPOSAL STRUCTURE

The proposals must include content and elements described in this Request For Proposal. Proponents are encouraged to structure their proposals in the following fashion:

### *9.1 Corporate Overview*

This section of the proposal should include the following.

- names, addresses, business phone numbers, fax numbers, and e-mail addresses of all principals of the company submitting the proposal, including all companies in a consortium.

- an overview of the company's corporate structure and number of staff.

- the primary areas of work, corporate mission, and objectives of the proponent.

- a listing of all directly related experiences, including roles, budgets, and contacts of who may be called for references purposes to be included in the appendix of the document.

- primary contact for the proposal, including name, address, business phone, fax numbers, e-mail address, position in the company, and specific experiences related to a project of similar scope and nature.

- financial information including an indication of the proponents ability to arrange financing, credit capacity, evidence of sufficient bonding capacity, disclosure of liens against the company, amount of liability insurance proposed to be held by the company must be included in a sealed envelope, under separate cover. The City may undertake an evaluation of the proponent's financial position using external professional assistance. Confidentiality will be strictly maintained.

### *9.2 Concept Overview*

- *Project Concept and Description*: the City is interested in the development and operations of amenities/attractions to enhance the Bayfront Park and to serve the needs of park users. It is anticipated that proponent concepts will include a combination of retail and commercial spaces accommodated in buildings conforming to the design guidelines outlined in this RFP, passive

and active recreation opportunities, special events facilities as well as other creative and innovative features that will enhance the financial viability of the project. The proposal must include concept drawings outlining the size and relationship of the individual buildings, features and associated spaces. In text and in concept drawings the proponent must indicate parking provisions, external landscape design, general appearance materials, and other conceptual components as appropriate.

- *Target Market of Proposed Facilities and Services*: the City has not completed a formal Needs Assessment for the potential facilities or services contemplated for the Bayfront Park site. Therefore, a market assessment and anticipated capture area of the proposed facilities and programs inclusive of an indication of the anticipated participation by individuals and groups from outside the City is required.

- *Viability and Feasibility Analysis*: an assessment of the concept's viability regarding capitalizing upon current or future markets as well as an indication of the current and future competitive environment associated with the proposed facility components and services should be provided.

- *Anticipated Impact Local Service Providers*: the proponent should estimate the impact of the new development on local businesses and current service providers in the vicinity of Bayfront Park. Including a strategy to minimize negative impact on existing businesses would be advisable.

- *Public Consultation and Staff Input*: the proposal should offer suggestions regarding the proponents desired approach to receiving public comment and stakeholder input into the concept design and development approach. The proposal should also include the proponent's strategy for involving staff in the concept development process.

- *Compliance with Hamilton's Corporate Values and Philosophy*: the proposed facility concept and operating strategy for the project must fit with the City's value and philosophy for the provision of park and related services. The proposal should outline the proponent's understanding of this fit and where necessary, the manner in which the philosophical approach to service delivery will be protected.

- *Proposed Risk Allocation and Management*: the proposal should outline the proponent's risk management plan with respect to risk protection related to staff management, tenant relations, program provision, leisure service clients, facility maintenance, and use of the facilities by groups and organizations.

The proposal must demonstrate an understanding of and conformity to provincial and municipal labour and safety laws and requirements. An understanding of the need to comply with Hamilton's Zero Tolerance For Violence Policy should also be outlined. Linked to the proposed partnership structure, methods of limiting risk exposure such as adherence to accepted operating specifications and ongoing facility maintenance and security initiatives should be defined. Roles and responsibilities of both the private partner and the municipality should be described.

- *Proposed Contribution from the City*: it is an objective of the City to enhance services to residents while at the same time minimizing costs to the taxpayer. Further, the City has clearly identified its desire to limit further capital contributions to the project. The proposal should clearly outline the proponent's expectations with respect to the City's financial and resources contribution.

- *Ownership of the Facility*: the proposal should outline the proposed ownership arrangement both in the immediate future and in the long term. Proposals that include unique and creative relationships and that enhance the financial return to the municipality will be provided favourable consideration.

- *Proposed Relationship With The City*: the proposal must clearly define the expected partnership arrangement with the City. This overview should identify the roles and responsibilities of the proponent and the City, with respect to day-to-day management (if any) of the facility(s), capital maintenance and conservation and information to be provided on an annual basis to update the City on all aspects of the operation. It is important that any ongoing responsibilities of the City be identified with respect to staff and other resources. Program, support, maintenance, and other activities that will be sub-contracted must be identified, along with an indication, if known; of to whom these areas will be subcontracted (the City may wish to approve subcontracted services).

### *9.3 Development and Construction*

- *Proposed Development And Construction Plan*: the proposal must outline all development related issues including project staging and timing. Only concept drawings are required at this stage, but design and construction process and schedules must be provided.

- *Anticipated Approval Requirements*: all required approvals including, but not limited to zoning, servicing, financing, environmental assessments, building

permits, and Official Plan Amendments must be identified. Anticipated timing of approvals and requirements for City staff participation must be identified. Potential OMB hearings must be noted and incorporated into the timing projections.

- *Proposed Capital Costs*: the proposal must identify all capital costs including design, site development, construction, professional fees, furnishings, landscaping, and contingencies. The basis for these costs and comparable recent projects must be provided.

- *Proposed Method of Capital Financing*: proposed method of financing the capital costs must be clearly outlined and explained. The capital-financing plan must identify equity partners and level of equity, debt financing, anticipated interest rates for debt financing must be noted, and an indication of ongoing debt costs included in the operating pro forma.

- *Proposed Timeline for Development*: the proposal must clearly outline the timing for full implementation of the project including all key milestones for capital financing arrangements, required approvals, design, construction, landscaping, etc. This timing must be realistic and identify timing flexibility with respect to delays in approval processes.

### *9.4 Business and Operating Plan*

- *Proposed Service And Program Model*: the proposal must outline the services and programs to be provided including hours of access for specific groups; seasonal program focus; and anticipated events. The proponent's philosophy, approach to customer service, and quality control should be outlined.

- *Proposed Operating Structure*: the proposal must describe the operating and management plan for the facility(s) including an outline of organizational structure, key management personnel and their duties, relationship of on-site managers to the Company, description of the relationship of other investors in the operation and management of the facility(s). The expected participation of the City in the management and operation, including a liaison role, must be outlined. The experience and qualifications of the proponent's key management personnel must be identified. These may be specific to individuals currently in place or, if hiring is necessary, the experience and qualifications of future personnel must be indicated.

- *Proposed Pricing And Rent Structure*: the proposal must outline the proposed pricing and rent structure for various users and tenant groups. This structure

should note anticipated annual increases in pricing over the first ten years of the project's operation. Justification, based on market forces should be provided.

- *Projected Revenues And Expenses*: a ten year operating pro forma showing all expenses and revenues must be provided. Debt repayment (including principal and interest payment with interest payments over the long term using reasonable projection of rates), management fees, dividends, bonuses, and asset maintenance costs etc. should be included. Depending on the proposed relationship with the City, municipal costs associated with staff liaison as well as administrative overhead expenses should be budgeted.

- *Proposed Marketing Plan*: the marketing plan must provide details relating to marketing strategy, market forces, promotions and merchandising as well as other innovative marketing approaches. The marketing plan must be consistent with the needs assessment and reflect the proponent's strategies for a 3 year period.

- *Preferred Dispute Process*: the nature of the proposed partnership with the City will have an impact on the City's role with respect to an ongoing dispute process to resolve issues between the proponent and community users. It is recognized that the dispute process, facility use, and the City's role in this process must reflect the degree of involvement that the City has in this project.

- *Proposed Capital Conservation Strategy:* The proposal must also outline the proposed capital conservation and improvement program over a twenty-year period including ongoing asset repair and maintenance activities and capital infrastructure reserve commitment.

# LIST OF REQUIRED APPENDICES

- City Park Map
- Department of Culture and Recreation Mission, Mandate, and Goal Statements ????
- Location Plan
- Plan of Available Site For Development
- Official Plan Special Policy A2933
- F District Requirements of Use
- Figure illustrating 150W Hps lights
- Building renderings
- List of Applicable Policies that will govern operations
- Zero Tolerance of Violence Policy
- Evaluation Criteria
- Event Foot Traffic Estimates
- List of Annual Events in Bayfront Park/Event Visitor Profiles

Schedule B

City of Hamilton

# *PUBLIC / PRIVATE PARTNERSHIP TO DEVELOP AND OPERATE WATERFRONT AMENITIES AT BAYFRONT PARK*

## EVALUATION CRITERIA

The JF Group

# *MEMORANDUM*

***DATE:*** August 28, 2000

***TO:*** Mr. Bob Chrystian

***FROM:*** John Frittenburg

***RE:*** Bayfront Evaluation Criteria

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As requested, please find attached the proposed evaluation criteria for the Request For Proposal related to the Public Private Partnership to Develop and Operate Waterfront Amenities at Bayfront Park. The criteria are linked directly to the planning principles and other relevant issues that are explained in the RFP document.

Please do not hesitate to contact me if I can provide anything further.

---

*116 Mineola Road West, Mississauga, Ontario, L5G 2C2 (905) 271-2247 Fax (905) 271-7474*
*e-mail: jfgroup@istar.ca*

## [redacted]

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### *Overview*

Each submission will be evaluated in several areas using predetermined, weighted criteria, linked to planning principles and relevant issues described in the Request For Proposal document. Proponents will have an opportunity to discuss the criteria at the mandatory bidders meeting.

### *Evaluation Criteria*

**Corporate Information**

- Financial capacity and stability
- Design capabilities
- Construction capabilities
- Operating capabilities

**Proposed Concept**

- Concept quality
- Feasibility and market analysis
- Risk allocation
- Proposed relationship with the City

**Development and Construction**

- Development plan
- Proposed capital cost
- Proposed timing

**Business and Operating Plan**

- Service and program plan
- Operating structure
- Business arrangement
- Marketing plan

---

## PROPOSED EVALUATION CRITERIA

### Financial Proposal

- Proposed municipal capital contribution
- Revenue and cost projections
- Capital and financing plan
- Capital conservation plan
- City's financial and related benefits

### General

- Submission quality

B-5

# CITY OF HAMILTON
## - RECOMMENDATION –

**DATE:** August 21, 2000
Author: Werner J. Plessl

**REPORT TO:** Chairman and Members
Parks and Recreation Committee

**FROM:** Mr. C. Guthro, Acting Commissioner
Department of Public Works and Traffic

**SUBJECT:** **Bayfront Park - Entrance Gateway and Sign (PWT00148)**

**RECOMMENDATION:**

a) That the concept entrance gateway and sign for Bayfront Park consisting of a 46.0 m high steel mast in the centre flower island on Harbourfront Drive immediately west of Bay Street, a 11.6m high steel mast in the plaza on the south/west corner and a curved concrete/steel park sign on the north/west corner be approved and funded from the $132,000 allocation for the Bayfront Park Gateway component of the 2000 Capital Budget for the downtown linkages and waterfront.

Mark B. Hagen
for C Guthro

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is not required.**

Council approved $350,000.00 in the 2000 Capital Budget for Downtown Linkages and Waterfront which included an allocation of $132, 000 for the Bayfront Park gateway.

There are no staffing or legal implications.

**BACKGROUND:**

Presently, Bayfront Park, a major city park and events location has a modest entrance sign at the north/west corner of Bay Street and Harbourfront Drive.

**Bayfront Park - Entrance Gateway and Sign (PWT )**

The proposal is to construct a gateway at the entrance to Bayfront Park as well as realign Strachan Street east of Bay Street to improve access/egress from the park. The concept for the entrance gateway and sign consists of three features.

(a) North/West Corner - a 11.6m high steel mast mounted on the concrete pedestal in the centre of the plaza. This mast is the entrance to the Waterfront Trail and therefore part of the Hamilton Harbour Waterfront Trail project. This mast will be installed in late September and will be identical to the mast proposed to be installed at the trail entrance off the boat launch ramp parking area. All components of the mast and sail will be constructed from galvanized steel. Figure 1 is an artistic rendering of this component.

(b) Centre Flower Island - a 46m high steel mast, 0.8m diameter at the base complete with three yard arms is proposed in the flower island, about 25m from the centre of Bay Street. Two cable support bases are proposed on each side of the roadway. The completed structure will be constructed from galvanized steel including the crow's nest. The proposed installation and erection of the mast would be completed in late fall of this year. Figure 2 is an artistic rendering of this component.

(c) North/West Corner - a curved concrete wall is proposed for the perimeter of a circular plaza with a bench cantilevered from the concrete wall. The Bayfront Park entrance sign would be mounted on steel ballards behind the wall. In addition, two smaller masts are also proposed behind the sign, which would allow the mounting of interchangeable signs to advertise the major events such as Aquafest. This component will be completed in late fall, 2000. Figure 3 is an illustration of this feature.

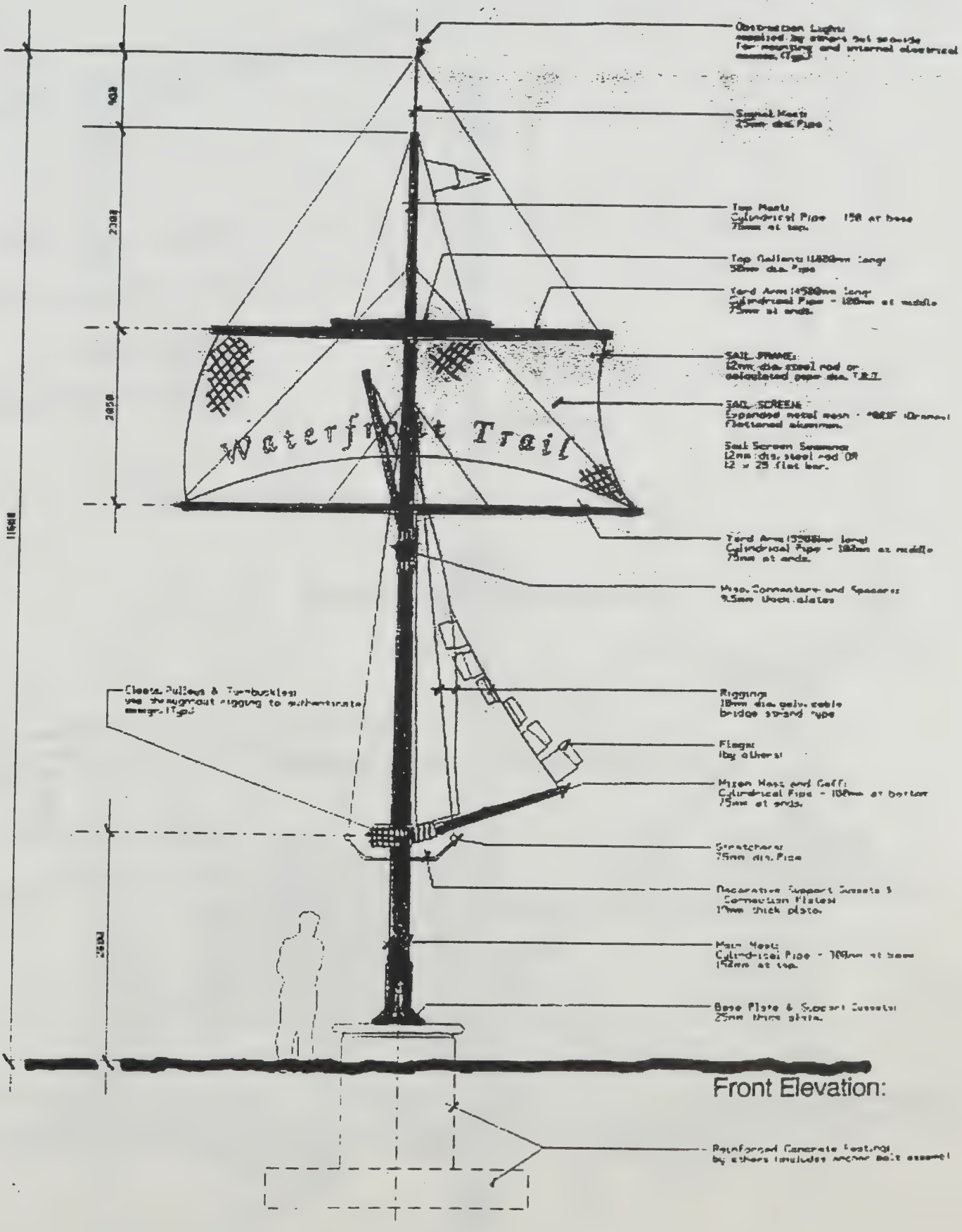
Night illumination of all three features is proposed. The illumination is proposed to illuminate the features of the gateway with limited intrusion into the surrounding neighbourhood.

This concept has been discussed with the Ward Alderman and presented at two public meeting, attended by approximately 100 people. These in attendance endorsed this concept and it is recommended for approval by staff.

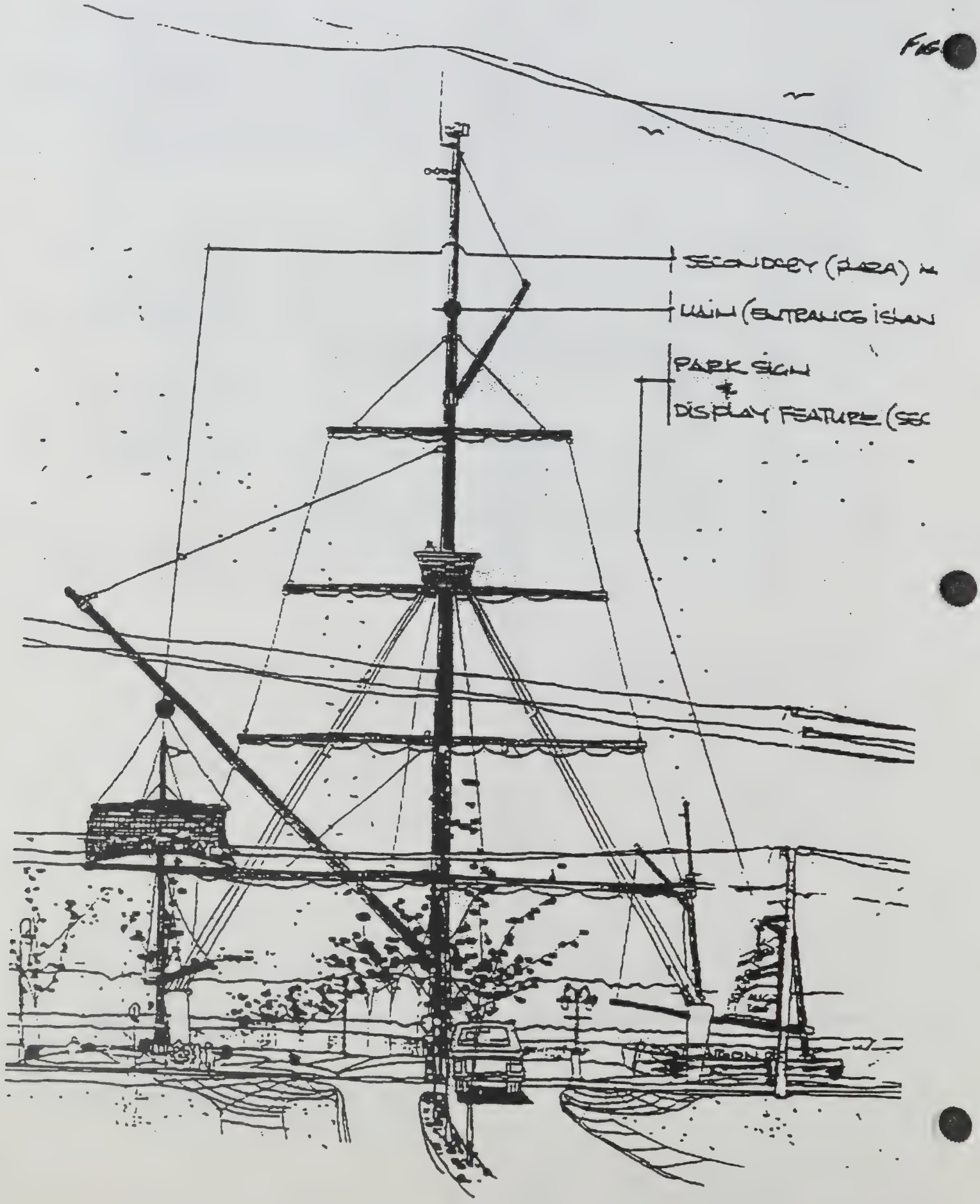
WJP/gs
Attach.

c.c. Alderman A. Horwath, Ward 2
Alderman R. Corsini, Ward 2

FIGURE 1




SECONDARY


FIG
SECONDARY (FLORA) M
MAIN (ENTRANCE ISLAN
PARK SIGN
+
DISPLAY FEATURE (SE

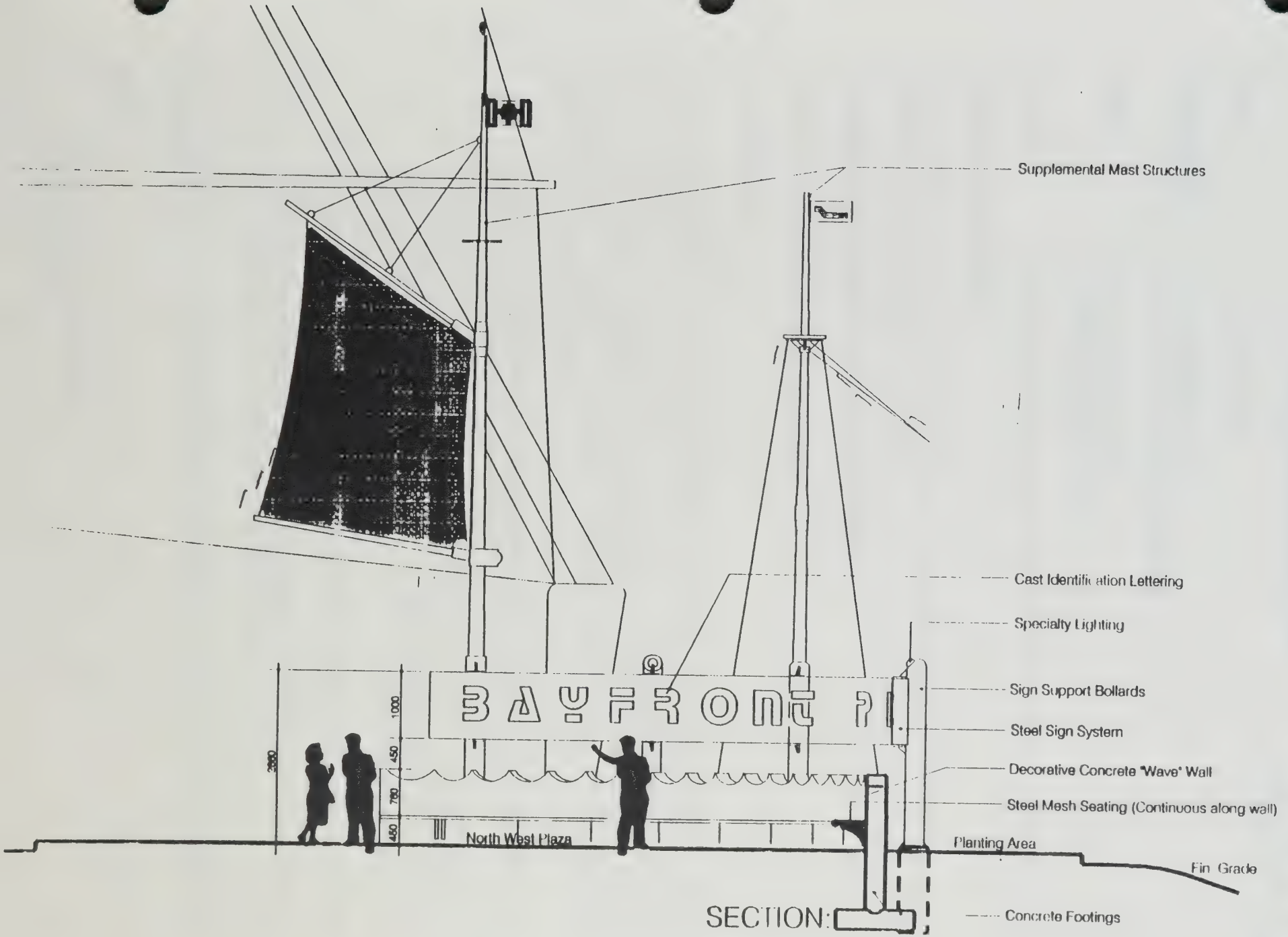

Supplemental Mast Structures
Cast Identification Lettering
Specialty Lighting
Sign Support Bollards
Steel Sign System
Decorative Concrete "Wave" Wall
Steel Mesh Seating (Continuous along wall)
Planting Area
Fin. Grade
Concrete Footings
BAYFRONT
North West Plaza
2800
1000
450
700
450
SECTION:

Figure 3

# CITY OF HAMILTON

## - RECOMMENDATION -

B-6

**DATE:** August 17, 2000

**REPORT TO:** Chair and Members
Parks and Recreation Committee

**FROM:** Tina Agnello, Secretary
Hamilton Historical Board

**SUBJECT:** Whitehern Historic House and Garden Name Change (CSC00121)

**RECOMMENDATION:**

That future reference to Whitehern Museum be amended to the present name of "Whitehern Historic House and Garden"

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financial or legal implications.

**BACKGROUND:**

Over the ears the site has been known by different names. In the mid 1850s, Dr. Calvin McQuesten referred to his house as "Willowbank". After his death in 1855, it was renamed "Whitehern". Since the museum opened to the public in 1971 it has been known as "Whitehern Historical House" (which is grammatically incorrect) and most recently by just "Whitehern". The name "Whitehern Historic House and Garden" was chosen for the following reasons:

- the name addition is a marketing strategy that more succinctly describes the site to the public who are unfamiliar with the history of the City,
- the words "Historic House" describe a familiar and popular museum type,
- the addition of the words "and Garden" implies a richer experience than the single attraction of an historic house. It draws attention to a unique historic feature of the site and also allows for more fully promoting and capitalizing on the garden as an entity unto itself;
- the name "Whitehern" is often confused with "Dundurn" by those who are unfamiliar with the City,
- the longer more descriptive name is consistent with other museums such as "The Hamilton Museum of Steam and Technology".

New brochures and letterhead would be introduced once current materials are exhausted.

MH/kh

c.c. Corporate Communications
Law Department

# CITY OF HAMILTON

## - RECOMMENDATION -

B-7

**DATE:** August 28, 2000

**REPORT TO:** Chairman and Members
City Committee of the Whole

**FROM:** Charlene Touzel, Secretary
New Mum Show Sub-Committee

**SUBJECT:** Revised Mandate for New Mum Show Sub-Committee and Mission Statement, Goals and Objectives for Chrysanthemum Show (P&R)

**RECOMMENDATION:**

(a) That the Mission Statement and Mandate of the New Mum Show Sub-Committee as adopted by the Parks and Recreation Committee at its meeting held April 20, 1993 be rescinded; and,

(b) That the revised Mandate for the New Mum Show Sub-Committee be as follows:

To provide overall direction and liaison with the Parks and Recreation Committee for the Chrysanthemum Show; and,

(c) That the Mission Statement, Goals and Objectives for the Chrysanthemum Show, attached hereto and marked as Appendix "A", be approved.

Touzel

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

**The recommendations contained in this report do not require Transition Board approval.**

**BACKGROUND:**

As a result of a number of factors having significant impact on available staff and financial resources affecting the production of a 2000 Chrysanthemum Show, an Information Report was presented to the Parks and Recreation Committee at its May 1, 2000 meeting outlining a new direction for the annual event.

Given the significant changes, the New Mum Show Sub-Committee felt it necessary to revise its Mandate and to endorse a Mission Statement, Goals and Objectives for the Chrysanthemum Show itself.

cc R. W. Chrystian, Manager of Parks, Department of Public Works and Traffic

# The Chrysanthemum Show

## Mission Statement

To foster and promote opportunities for the City of Hamilton to celebrate **its** official flower – the Chrysanthemum and advance economic and community well being through the development of partnerships and strategies designed to enhance the visitor's experience and broaden the City's marketability and vatue to tourists and the horticultural community, respectively.

## Goals

To stage an annual event based first and foremost on the City's collection of over 175 varieties of Chrysanthemums.

To develop the event as a major floral display recognizing the value and historical significance of the existing collection.

To ensure the event is always in the best interest of the taxpaying public, show sponsors and supporters and visitors.

## Objectives

Establish and maintain accurate records of the City's collection of Chrysanthemums.

Develop a network of contacts for the purpose of expanding the collection, facilitating research and development of new / hybrid varieties and otherwise promoting the City's collection.

Undertake annual visitor survey using a variety of techniques (ie. on site, post-show telephone contacts) in order to determine and evaluate the responsiveness of the production to visitor expectations and economic benefits back to the community.

Develop and maintain strategic partnerships for the purpose of enhancing the visitor experience without compromising the floral display as a show "centrepiece, keeping the cost of admission affordable and achieving, as a minimum, full cost recovery and zero dependence on the municipal tax levy.

# CITY OF HAMILTON

## - INFORMATION -

B-8 (a.)

**DATE:** July 10, 2000

**REPORT TO:** Chairman and Members
City Committee of the Whole

**FROM:** Ross L. Fair
General Manager
Community Services Division

**SUBJECT:** Event in Kay Drage Park
Approval of Parks By-Law 95-126 (CSC00116) P&R

**BACKGROUND:**

**The information contained in this report does not require Transition Board approval.**

The Tourette Syndrome Foundation of Canada has requested the use of Kay Drage Park for a special event on September 16, 2000 and has received approval from the General Manager of Community Services hold this event, as per Council Resolution (1995 May and 1999 May), authorizing the General Manager to permit such events as per Parks By-Law 95-126 as amended.

This event was successfully held last year. This event is held annually to create an awareness of this syndrome and features fundraising activities including a tethered Hot Air Balloon.

This permission is granted under the Council Policy Resolution (May 1995 and May 1999) delegating the following authority to the Director of Culture and Recreation:

Parks By-Law 95-126, Section 12 - Barbecuing
Parks By-Law 95-126, Section 13 - Picnics
Parks By-Law 95-126, Section 14 - Amplifiers and Loud Speakers
Parks By-Law 95-126, Section 15 - Camping
Parks By-Law 95-126, Section 16 - Tents and Structures
Parks By-Law 95-126, Section 23 – Games/Sports (Organized Activities Aircraft)
Parks By-Law 95-126, Section 29 – Parking
Parks By-Law 95-126, Section 35 – Horses
Parks By-Law 95-126, Section 37 – Dangerous Animals
Parks By-Law 95-126, Section 40 - Sales of merchandise, trade or business

This event adheres to the Special Events Guidelines. Please feel free to contact Shelley Merlo-Orzel at extension 4646 for further information.

/smo

c.c. Alderman M. Kiss, Ward 1
Alderman M. Caplan, Ward 1
C. Guthro, Director, Public Works and Traffic

# CITY OF HAMILTON

B-8 (b.)

## - INFORMATION -

**DATE:** July 12, 2000
Author: R. W. Chrystian

**REPORT TO:** Chairman and Members
City Committee of the Whole

**FROM:** C. Guthro, Acting Commissioner
Department of Public Works and Traffic

**SUBJECT:** **Vendor Agreement – Hamilton Harbour Waterfront Trail (PWT00129)(P&R)**

**BACKGROUND:**

On July 1, 2000 the Hamilton Harbour Waterfront Trail was officially opened for public use.

As of this date, opportunities for public purchase of soft drink and refreshment items at Bayfront Park were limited to one vendor operation; this service provided by K & L Charters as recommended by Committee and approved by City Council on April 27, 1999. The agreement between the City and this licensee, as well as other park and street vendors, will expire December 31, 2001.

The attached park plan illustrates the location of the vending cart operation and also identifies the site of this subject vendor agreement involving an enclosed space forming part of a pavilion structure.

On this latter issue and the subject of this report, staff received a written proposal from the operators of Summertime Snow (K & L Charters) on June 30, indicating interest in establishing a vendor operation from the pavilion structure for the balance of this year. The proposal represented hours of operation, menu and other items similar to the agreement already in place for Bayfront and Pier 4 Parks and a financial offering of $300 for the Balance of this year. Also, the proponents agreed to display and distribute brochures and event related information and sell, without commission, souvenir trail hats on behalf of the Parks Division.

In view of the time required to effect a tendering process for this vendor site, the seasonal nature of the operation and this being the mid-point of the summer, it was considered reasonable to implement without delay a refreshment outlet for public use, and to involve K & L Charters in this operation.

The agreement entered into was authored by Legal Services and reviewed by staff from the Parks Division, Purchasing Department and City Manager. Alderman O'Sullivan as Acting Mayor and K. Christenson executed the agreement on behalf of the City.

**Vendor Agreement – Hamilton Harbour Waterfront Trail (PWT00129)(P&R)**

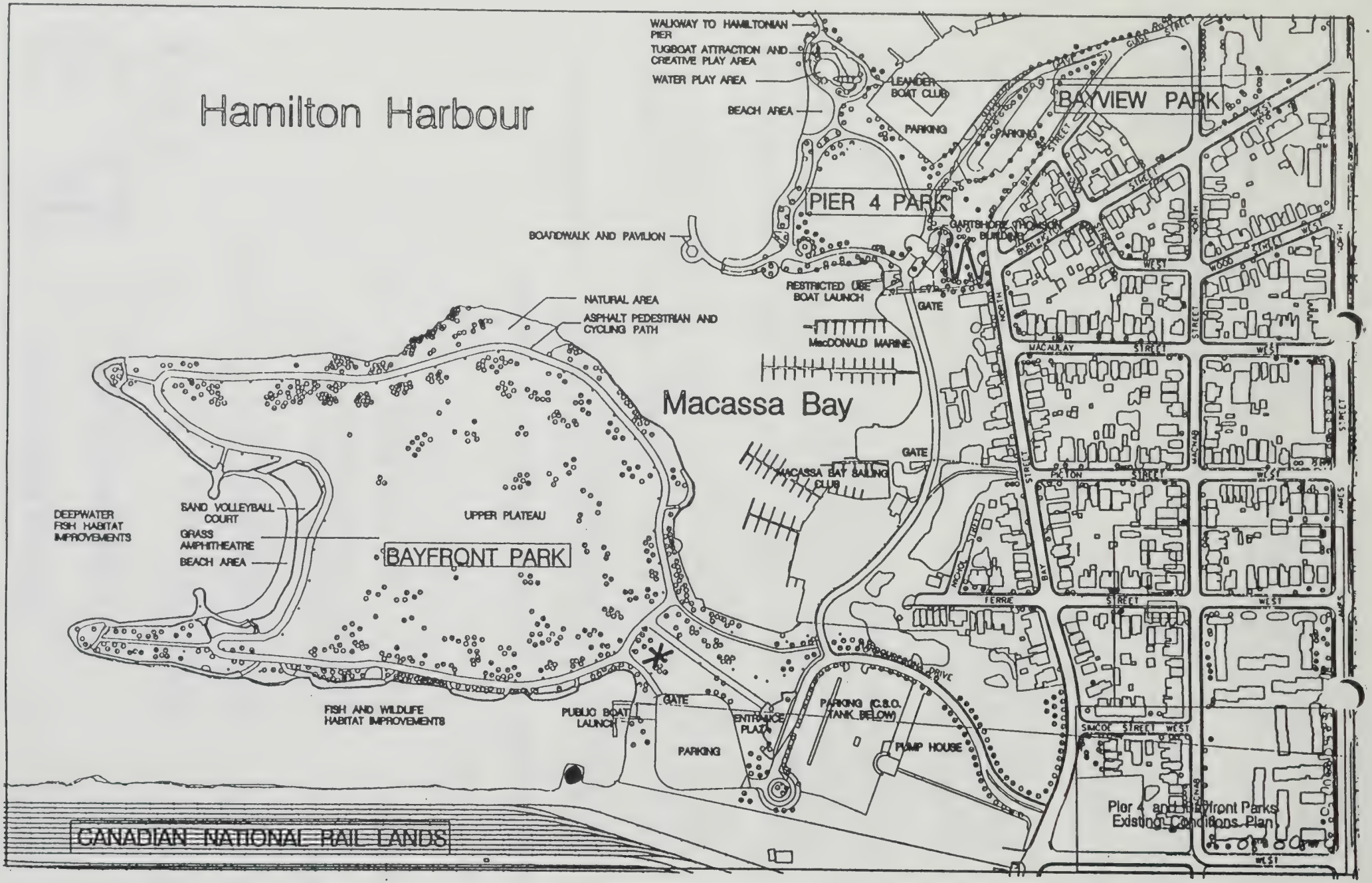
For the 2001 period, staff will require direction from Committee on status of this vending site as the subject agreement will expire at year's end. A staff report outlining options and recommendation can be expected early in the new year.

RWC/mc

Mark B. Hyett for C Arthur

cc: J. Bruzzese, Acting City Manager, Corporate Services
A. Zuidema, Executive Assistant to the Acting City Manager
D. Trevisani, Attention: N. Kelly, Purchasing Division
E. Holt, Assistant Corporate Counsel, Legal Services
R. Sabo, Assistant Corporate Counsel, Legal Services
R. W. Chrystian, Manager of Parks
P. Booker, Superintendent of Floriculture and Special Events

Schedule A – Bayfront Parks




* Approved Vendor Location
April 1999

● Trail Vendor Location

# CITY OF HAMILTON

## - INFORMATION -

B-8 (c.)

**DATE:** August 8, 2000
Author: R. W. Chrystian

**REPORT TO:** Chairman and Members
City Committee of the Whole

**FROM:** C. Guthro, Acting Commissioner
Department of Public Works and Traffic

**SUBJECT:** **Leash Free Area (P&R) (PWT00138)**

**BACKGROUND:**

**The Transition Board's approval is not required for this report.**

At it's meeting of March 14, 2000, City Council adopted Section 3 of Report 05-00 of the Parks and Recreation Committee which in part reads as follows:

a) That the Acting Commissioner of Public Works and Traffic or his designate be authorized to finalize arrangements with the SPCA for the reimbursement of City costs incurred in 1999 development of the leash free project adjacent to the SPCA headquarters on Dartnall Road;

b) That such reimbursement of the City by the SPCA shall be made from the funds generated by the $1.00 increase in the price of dog tags, called "surcharge revenues" (as detailed in the Leash-Free Zones Project Report dated November 13, 1998) from the 1999 dog tag sales following completion of the SPCA's financial audit for 1999 and such other sources as may be determined by the SPCA;

c) That to the extent that any financial obligations for reimbursement as set out in a) and b), above, remain outstanding after initial payment by the SPCA and such obligation shall be paid to the City from surcharge revenues from 2000 dog tag sales following completion of the SPCA's financial audit for 2000;

The overall development costs incurred by the City in 1999 for this initial leash free project was $25,965.49.

The intent of all parties was that the City would provide up front financing for the project and that this amount would be recovered through the sale of dog tag licences. Reimbursement by the SPCA was to follow completion of their financial audit for 1999.

In keeping with the above arrangement, the purpose of this report is to confirm receipt of payment by the SPCA in the amount of $21,555.49; this leaves the amount of $4,410 payable upon completion of the SPCA's financial audit for 2000.

**Leash Free Area (P&R) (PWT00138)**

As the City's 1999 books were closed by the time this payment was received, revenues were credited to the 2000 current budget COHAM 48300 444090.

RWC/mc Charles Guthro

cc: Alderman R. Corsini
Alderman T. Jackson
R. Holland, Co-ordinator of Budgets and Accounting
P. Ulbinas, Parks Operational Technical Assistant
B. Dowd, Hamilton SPCA

# CITY OF HAMILTON

## - INFORMATION -

B-8
(d.)

**DATE:** August 11, 2000

**REPORT TO:** Chairman and Members
Parks and Recreation Committee

**FROM:** Charlene Touzel, Secretary
Executive Committee of the International
Children's Games Millennium Festival

**SUBJECT:** Executive Committee of the International Children's Games Millennium Festival – Minutes of Meetings held June 12 and July 6, 2000

**BACKGROUND:**

Attached for the information of the Parks and Recreation Committee are the Minutes of the Executive Committee of the International Children's Games Millennium Festival for its meetings held June 12 and July 6, 2000 as adopted by the Committee at its July 31, 2000 meeting.

attached

Touzel

# MINUTES

## CITY OF HAMILTON
## EXECUTIVE COMMITTEE OF THE
## INTERNATIONAL CHILDREN'S GAMES
## AND MILLENNIUM FESTIVAL

**Monday, June 12, 2000**
**6:00 p.m.**
**Room 264, Hamilton City Hall**
**71 Street West, Hamilton**

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| | |
|---|---|
| **Present:** | Dr. R. Johnson, Acting Chairman<br>J. Kiriakopoulos, Chairman<br>J. Anderson, C. Miller, V. Sarjeant, Dr. G. Sutton |
| **Regrets:** | E. Dunn, P. Saresky, J. Youldon |
| **Also Present:** | K. Duncliffe, G. Maychak, J. Cerio, C. Touzel |

Dr. R. Johnson, Acting Chairman, called the meeting to order.

**1. ADOPTION OF AGENDA**

The Committee agreed to move the General Manager's Report up before Committee Reports and to add a financial update by John Cerio to the agenda. The Agenda was adopted as amended.

**2. ADOPTION OF MINUTES**

**2.1 May 29, 2000**

The Committee was in receipt of the Minutes of the Executive Committee of the ICGMF for its meeting held May 29, 2000. The Minutes were amended as follows:

(a) Page 2 - Item 3.1 - the words "if there are not enough volunteers to fill these seats" in the first sentence were deleted; and,

(b) Page 5 - Item 5.1 - the words "and insurance" were deleted from the first sentence of the first paragraph and the word "insurance in the second sentence was changed to "security".

The Minutes were adopted as amended.

### 2.2 June 3, 2000

The Committee was in receipt of the Minutes of the Executive Committee of the ICGMF for its meeting held June 3, 2000.

The Minutes were amended as follows:

(a) Page 2 - Item 2.1 - the words "the Sport Technical component of" in the last line were deleted; and,

(b) Page 3 - Item 3(g) - the second sentence was amended to read "Torsten Rasch offered the assistance of ICG experts in the areas of Basketball, Track and Field and Gymnastics and agreed to provide the Office with a list of their names and languages spoken."; and,

(c) Page 3 - Item 3(l) the word "cities" was deleted.

The Minutes were adopted as amended.

## 3. TREASURER'S REPORT

John Cerio circulated a budget template for each of the four Committees (Ceremonies, Promotions and Marketing, Services and Sport Technical) as well as a General Budget showing the budget item description, transaction description, allocated budget amount, total to date, variance to date and corresponding PeopleSoft Account Numbers. Committee Members were asked to review the document and provide John Cerio with any comments and/or changes.

Some discussion ensued on the procedure to be followed in processing invoices and the Committee agreed to reconsider and rescind its May 1, 2000 decision requiring the signature of the Chairman and General Manager on the payment of all invoices and subsequently approved the following:

That two signatures be required for the payment of all invoices as follows:

(a) The Chairman or Member of the Sub-Committee and the General Manager for invoices as detailed in the Committee Budgets; and,

(b) The Chairman of the Executive Committee and the General Manager for invoices falling as detailed in the General Budget.

## 6. GENERAL MANAGER'S REPORT

The Committee agreed to move this item up on the agenda.

Greg Maychak reported that he expects an additional grant in the amount of $25,000 from the Hamilton Community Foundation.

The Committee was advised that the Children's Games Golf Tournament on Wednesday, June 14, 2000 is full but invited Members to attend the dinner following the tournament at 7:00 p.m.

Information respecting the Official Opening of the Olympic Museum was provided.

Greg Maychak raised some concerns that only 300 of the estimated 1,400 volunteers have completed volunteer forms to date. Cathie Miller cited potential problems at accreditation if the forms are not completed and entered onto the system in advance. Committee Chairmen meeting this week were asked to remind volunteers to get their forms in to the Office.

A McMaster University Summer Sports Camp Staff schedule for the Games/Festival was distributed. Greg Maychak asked Committee Members to review and provide him with any comments and/or changes. Cathie Miller questioned how many of the 66 Staff were McMaster University students. Greg Maychak thought that they were all McMaster students but agreed to investigate and advise Cathie Miller accordingly.

A list of the 71 participating cities/countries that have confirmed or indicated their participation in the Games/Festival to date was also distributed. It was noted however that 6 cities that initially indicated that they would be participating have not yet confirmed. It was agreed that the Chairman would contact these 6 cities by telephone tonight or tomorrow requesting that they submit written confirmation of their participation within the next 24 hours. It was agreed that if this 24 hour deadline is not met that they would not be able to participate in the Games. Cathie Miller suggested that this message be communicated to Herb Allen, Transportation.

Some discussion also ensued on the need to develop a protocol for teams arriving at the airport with extra VIPs, etc. Cathie Miller asked for a list of all extra people travelling with each team by Wednesday's Services Meeting. It was agreed that all of these extra people had to be identified and the Chairman, General Manager and Bobbi Jo Yusek agreed to meet tomorrow night to review and compile a list.

Val Sarjeant questioned the protocol for teams that aren't bringing enough people ie. no Head of Delegation. The Committee agreed that teams needed adult supervision at the University and provide their credit card to cover any damages incurred to rooms, etc. at the University. The Chairman and General Manager were directed, at tomorrow's meeting, to also identify those teams that do not have a Head of Delegation so that

someone can be designated so designated. The Committee approved the following:

> That the Office correspond with each city that has not specified a Head of Delegation requesting that one of their coaches or VIPs be designated as the Head of Delegation with the understanding that they are to stay at the Athletes Village for the duration of the Games and be responsible for their athletes during the Games.

Val Sarjeant abstained from discussing or voting on this matter given his involvement with the Stoney Creek Track and Field team.

Greg Maychak added that the official media campaign for the Games/Festival began today and will continue to increase up to and during the Games. Greg Maychak added that while ticket sales for the Opening Ceremonies are weak, that his sources indicate that they will be on track with 60% of ticket sales being sold during the last week prior to the Games. Val Sarjeant did not agree with the numbers being presented and suggested that a coupon admitting a person 12 and under free of charge to the Opening Ceremonies if an adult ticket is purchased, be developed and widely distributed and promoted. Greg Maychak indicated that he can prepare a coupon to be proofed by Val Sarjeant before being printed. Val Sarjeant agreed to prepare a delivery schedule and all Committee members agreed to assist where needed.

## 5. COMMITTEE REPORTS

### 5.1 Ceremonies

Dr. Johnson distributed an outline for the Opening Ceremonies.

Dr. Sutton indicated that a Basketball Official has been designated to do the Officials' Oath.

A copy of the Media Advisory for the Torch Run was distributed and Dr. Johnson reported on the Unity Proclamation Ceremony, which was well attended and publicized.

Dr. Johnson also reviewed the plans for the Closing Ceremonies. Greg Maychak was asked to contact Harvey's to see if they can start the BBQ earlier and resume following the Closing Ceremonies.

The Committee also discussed the need for an official photographer for the event and approved the following:

> That Sternum Photography be given the contract for the International Children's Games and Millennium Festival, the details of which would be worked out before the Games.

Greg Maychak agreed to discuss this matter further with Legal Services. A suggestion was made that the Games should receive a percentage of all photographs sold.

5.2 **Sport Technical**

Dr. Sutton reported that a lot of time has been spent contacting local Olympians to participate in the Olympic Museum.

Dr. Sutton added that she is developing an overall multi-sport plan which would be provided to all Committee Members.

The Committee was advised that the Ancaster Soccer Team has some concerns respecting its Soccer schedule and Dr. Sutton agreed to contact Jan Lucas to discuss further.

Dr. Sutton reviewed the procedures for the distribution and collection of equipment for the Games. The Committee agreed that the equipment was the property of the Games and the Committee agreed to wait and see what the financial state of the Games was before any decision was made on what to do with the equipment following the Games. Dr. Sutton indicated that Sport Technical would most likely be presenting a recommendation on this matter following the Games.

5.3 **Services**

Cathie Miller asked again for Committee Members to provide her with any information/materials that should be included in the Volunteer Handbook.

The Committee was advised that transportation of meals to the sport venues still needs to be finalized. Ken Duncliffe offered the services of Anthony Martires in this matter.

Cathie Miller added that she still doesn't have specific details on the transportation needs by cultural groups. Dr. Johnson agreed to follow up on this matter with Lydia Goshgarian.

The Committee was advised that arrangements have been made to pick up the teams arriving in Buffalo, New York.

The Committee was further advised that the Officials' reception may be held in the Auxiliary Gymnasium at McMaster University. If this facility is not available, the reception will be cancelled.

Cathie Miller agreed to work with Dr. Sutton to obtain a Sport Technical schedule

to determine translation needs.

5.4 **Promotions and Marketing**

A poster promoting all events, including the International Children's Games and Millennium Festival that will take place in Hamilton on Canada Day, was presented for the Committee's information.

On Cathie Miller's suggestion, the Committee supported some form of in-house social programming at the Athletes Village.

Plans for the sale of Games Programs was also discussed.

## 7. OTHER BUSINESS

7.1 **Next Meeting**

Future meetings, if required, would be at the call of the Chairman.

Note: The meeting adjourned at 9:45 p.m.

Dr. R. Johnson, Acting Chairman

J. Kiriakopoulos, Chairman

C. Touzel, Legislative Assistant

# MINUTES

## CITY OF HAMILTON
## EXECUTIVE COMMITTEE OF THE INTERNATIONAL CHILDREN'S GAMES AND MILLENNIUM FESTIVAL

**Thursday, July 6, 2000**
**7:00 a.m.**
**Commons Building 101, McMaster University**

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| | |
|---|---|
| **Present:** | J. Kiriakopoulos, Chairman<br>Dr. R. Johnson, Vice-Chairman<br>J. Anderson, E. Dunn, C. Miller, P. Saresky, V. Sarjeant |
| **Regrets:** | Dr. G. Sutton, J. Youldon |
| **Also Present:** | K. Duncliffe, G. Maychak, D. Adames, C. Carter-Smith, C. Touzel |

J. Kiriakopoulos, Chairman, called the meeting to order.

The Committee met for a debriefing to review issues of concern respecting the Games.

The Minutes of the meeting held July 5, 2000 were adopted as circulated.

The Committee was apprised of the following:

(a) Val Sarjeant reported that a meeting was held with the Kiwanis President yesterday who expressed disappointment in the number of golf ball drop tickets sold by his organization and as a result, indicated that he will be recommending to his Board that all monies derived from the sale of tickets go to the International Children's Games and not be split 50/50 with Kiwanis.

(b) Dr. Johnson provided an overview of the Closing Ceremonies to be held at 6:00 p.m. this evening.

(c) As discussed at yesterday's debriefing meeting, Dr. Johnson reported no problems at yesterday's Slovenia Basketball game.

(d) Val Sarjeant agreed to co-ordinate the distribution of programmes to athletes at the Closing Ceremonies.

(e) It was agreed that the Certificates of Participation would be available for pick up by the Heads of Delegation in the Games Office. Ken Duncliffe agreed to co-ordinate the placement of signs around campus and in each City's mailbox. Any Certificates not picked up in advance would be distributed at the Closing Ceremonies.

(f) A copy of the Thursday, July 6, 2000 (Day 6, Final Edition) of *The ICG Times* was distributed by Cecilia Carter-Smith.

(g) Ed Dunn questioned if athletes could check out of the University early and Cathie Miller indicated that she would need to know these details so that the rooms could be checked and keys returned.

(h) Plans for the post Closing reception were reviewed. Greg Maychak was asked to ensure that all sponsors' signage is up and that all sponsors' plaques are present and accounted for for presentation this evening.

(i) Joanne Anderson questioned if some of the VIPs could be moved from the Sheraton Hamilton Hotel to McMaster University for Friday evening accommodations. Greg Maychak indicated that he has already made these arrangements.

(j) Cathie Miller indicated that she will be working with the Heads of Delegations today to find out when they will be checking out of the University.

The Committee was advised that three accommodation bills are still outstanding (Joure, Netherlands - $1,485; Rishon, Israel - $1,485; and, Alkmaar, Netherlands - $1,540). The Chairman agreed to meet with the Head of Delegation for each of these cities today to resolve.

(k) Ken Duncliffe indicated that the City's Law Department is drafting a waiver to be signed by all cities staying on at the University after tomorrow.

(l) Cecilia Carter-Smith stated that she will be preparing a final Media Report for presentation to the Committee.

(m) Some discussion ensued on the preparation of thank you letters and it was agreed that the Chairpersons for each area would be responsible for sending out their own thank you letters.

(n) Committee Members were asked to meet at the Games Office at 9:00 a.m. tomorrow to assist as required ie. closing the Office and removing all signage.

For tomorrow, the General Manager was asked to provide Committee Members with three possible dates for its wrap up meeting following the Games.

Note: The meeting adjourned at 8:10 a.m.

J. Kiriakopoulos, Chairman

C. Touzel, Legislative Assistant

# CITY OF HAMILTON

## - INFORMATION -

B-8
(e.)

**DATE:** July 25, 2000

**REPORT TO:** Chairman and Members
Parks and Recreation Committee

**FROM:** Charlene Touzel, Secretary
New Mum Show Sub-Committee

**SUBJECT:** New Mum Show Sub-Committee – Minutes of meeting held May 11, 2000

**BACKGROUND:**

For the information of the Parks and Recreation Committee, attached are the minutes of the New Mum Show Sub-Committee for its meeting held May 11, 2000 as adopted by the Sub-Committee on June 22, 2000.

Touzel

attached

# MINUTES

## CITY OF HAMILTON
## NEW MUM SHOW SUB-COMMITTEE

**Thursday, May 11, 2000**
**3:30 p.m.**
**Room 264, Hamilton City Hall**
**71 Main Street West, Hamilton**

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| | |
|---|---|
| **Present:** | Alderman T. Jackson, Chairperson<br>J. Carey, Vice-Chairperson<br>F. Berry, J. Carey, J. Lockley, R. Lockley |
| **Regrets:** | Alderman R. Corsini<br>Alderman D. O'Sullivan (City Business)<br>A. Coderre |
| **Also Present:** | J. Reid, P. Booker, C. Touzel |

Alderman T. Jackson, Chairperson, called the meeting to order.

**1. CHAIRPERSON'S REMARKS**

**Welcome and Introduction of Margaret Koropatnicki, Chairperson, Hamilton Seniors Games**

The Chairperson indicated that Mrs. Koropatnicki was not able to attend today's meeting because of her commitments to the Hamilton Seniors Games but would be able to attend the June meeting.

**2. ADOPTION OF MINUTES** - April 6 and April 27, 2000

The Committee was in receipt of the Minutes of the New Mum Show Sub-Committee for its meetings held April 6 and April 27, 2000. These Minutes were adopted as circulated.

**3. 2000 Mumz 'N Craft**

**3.1 Terms of Reference for Event Production Services**

The Committee was in receipt of the negotiated Terms of Reference with Creative

Arts outlining the responsibilities of the City and Creative Arts in the production of this year's Mumz 'N Craft Show, as well as the established fee for service remuneration.

Peter Booker commended Bob Chrystian, Manager, Parks Division for negotiating Creative Arts' fee down to $20,000 and for increasing some of the revenue percentages payable to the City.

Peter Booker added that Creative Arts will start the event production process as soon as they receive the $20,000 from the City. An invoice has been received and payment will be process as soon as possible.

The Terms of Reference were received as circulated and Staff were commended for their efforts in this regard.

### 3.2 Terms of Reference for the Mum Show Sub-Committee

Peter Booker distributed a Mission Statement, Goals and Objectives for the Chrysanthemum Show as prepared by Public Works and Traffic Staff and asked the Committee for comments.

A copy of the Committee's Mission Statement and Mandate as adopted by the Parks and Recreation Committee at its meeting held May 4, 1998 was also circulated.

Committee Members were asked to review both documents and bring any comments, suggestions, revisions, etc. to the next meeting.

## 4. BUDGET UPDATE

### 4.1 Status of Mum Show Accounts

The Committee was in receipt of the Financial Statement showing the status of the Mum Show Sub-Committee Accounts as at May 10, 2000 as prepared by the Committee Secretary. This report was received as circulated.

### 4.2 Upcoming expenditures ie. Shirts for Committee Members

Discussion ensued on the purchase of shirts for Committee Members and Staff and the Committee approved the following:

> That the Committee obtain three quotations for approximately 15 long sleeved golf shirts for the New Mum Show Sub-Committee and Staff.

Peter Booker agreed to follow up on this matter for the next meeting.

Photographs of the Chrissy Mum mascot costume were shown and the Committee approved the following:

That Peter Booker investigate and report back at the next meeting on the costs to clean and refurbish the mascot costume.

## 5. OTHER BUSINESS

### 5.1 Next Meeting Date

Discussion ensued on the date for the next meeting, and pending the availability of Mrs. Koropatnicki, the following dates were suggested:

June 22 (1st choice)
June 15 (2nd choice)

### 5.2 Souvenirs

Peter Booker advised the Committee that he is still waiting for a response from the City's Legal Services' Department on the issue of royalties from the sale of photographs of City facilities/events.

The Secretary agreed to advise photographer Jacob Joseph that a decision on this matter is pending and must be resolved before the Committee can proceed.

### 5.3 Travel and Tourism Show

Jean Carey asked if any brochures on this year's Mumz 'N Craft Show would be available for her to distribute at the Committee's display at the upcoming Travel and Tourism Show. Peter Booker agreed to put some information together in this regard.

It was also agreed that John and Jean Carey would pick up the remaining Mum Show magnets being stored at the Gage Park Greenhouses so that they could be given out at the Travel and Tourism Show.

Note: The meeting adjourned at 4:20 p.m.

**Alderman T. Jackson, Chairperson**
**New Mum Show Sub-Committee**

**Charlene Touzel**
**Legislative Assistant**
**May 11, 2000**

# CITY OF HAMILTON

## - INFORMATION -

B-8
(f.)

**DATE:** August 8, 2000

**REPORT TO:** Chairman and Members
Parks and Recreation Committee

**FROM:** Charlene Touzel, Secretary
New Mum Show Sub-Committee

**SUBJECT:** New Mum Show Sub-Committee – Minutes of meeting held June 22, 2000

**BACKGROUND:**

For the information of the Parks and Recreation Committee, attached are the minutes of the New Mum Show Sub-Committee for its meeting held June 22, 2000 as adopted by the Sub-Committee on July 27, 2000.

Touzel

attached

# MINUTES

## CITY OF HAMILTON
## NEW MUM SHOW SUB-COMMITTEE

**Thursday, June 22, 2000**
**3:30 p.m.**
**Room 233, Hamilton City Hall**
**71 Main Street West, Hamilton**

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| | |
|---|---|
| **Present:** | Alderman T. Jackson, Chairperson<br>J. Carey, Vice-Chairperson<br>Alderman R. Corsini<br>F. Berry, J. Carey, A. Coderre, J. Lockley, R. Lockley |
| **Regrets:** | Alderman D. O'Sullivan |
| **Also Present:** | J. Reid, B. Chrystian, M. Koropatnicki, C. Touzel |

Alderman T. Jackson, Chairperson, called the meeting to order.

**1. CHAIRPERSON'S REMARKS**

**Welcome and Introduction of Margaret Koropatnicki, Chairperson, Hamilton Seniors Games**

Alderman T. Jackson, Chairperson, welcomed Margaret Koropatnicki, Chairperson, Hamilton Seniors Games to the meeting.

Mrs. Koropatnicki indicated that she has a group of volunteers from the Rosedale Seniors that would be interested in assisting with this year's Mum Show.

**2. ADOPTION OF MINUTES - May 11, 2000**

The Committee was in receipt of the Minutes of the New Mum Show Sub-Committee for its meeting held May 11, 2000. These Minutes were adopted as circulated.

## 3. UNFINISHED BUSINESS

### 3.1 Review Mission Statement, Goals and Objectives of the Chrysanthemum Show and the New Mum Show Sub-Committee

The Committee was in receipt of the following:

(a) Mission Statement, Goals and Objections for the Chrysanthemum Show as prepared by Public Works and Traffic Department Staff; and,

(b) Revised Mission Statement and Mandate for the New Mum Show Sub-Committee as adopted by the Parks and Recreation Committee at its meeting held April 20, 1993.

Bob Chrystian, Manager, Parks Division, reviewed the first document.

John Carey, Vice-Chairperson, expressed some concerns respecting the new Mission Statement, Goals and Objectives and suggested that they be amended to reflect if they are the responsibility of the Committee or Staff. Some of John Carey's concerns included the fact that the promotion of the Show now rests with Creative Arts and not the Economic Development and Tourism Department. Bob Chrystian agreed to provide the Tourist Information Centre with the dates and times of the 2000 Mumz 'N Craft Show in the event that they receive telephone inquiries respecting the event.

Bob Chrystian clarified that the Mission Statement, Goals and Objectives presented were for the Chrysanthemum Show only and that the Sub-Committee has its own Mission Statement and Mandate.

The Committee was reminded that a number of changes were necessary given the reduction of key staff at the Gage Park Greenhouses. Staff indicated that 2000 will definitely be a year of transition.

It was suggested that a representative from Creative Arts be invited to attend all future meetings of the New Mum Show Sub-Committee and that a Member of this Committee attend all future meetings planned for Staff and Creative Arts representatives to discuss this year's Show.

After considerable discussion, the Committee approved the following:

(a) That the revised Mission Statement and Mandate of the New Mum Show Sub-Committee as adopted by the Parks and Recreation Committee at its meeting held April 20, 1993 be rescinded; and,

(b) That the Mission Statement, Goals and Objectives for the

Chrysanthemum Show be amended to include the Terms of Reference as included in the agreement between the City and Creative Arts, and forwarded to the Parks and Recreation Committee for approval.

### 3.2 Review Quotations Received for Purchase of Committee shirts

In the absence of Peter Booker, Bob Chrystian agreed to follow up on this matter.

### 3.3 Review Costs to Clean and/or Refurbish Mascot Costume

In the absence of Peter Booker, Bob Chrystian agreed to follow up on this matter.

### 3.4 Participation in Travel and Tourism Show

The Committee received for information, a report on the Committee's participation at the 2000 Travel and Tourism Show as prepared by Jean and John Carey. Jean and John Carey were thanked for attending this event on the Committee's behalf.

## 4. BUDGET UPDATE

### Status of Mum Show Accounts as at May 19, 2000

The Committee received for information, a budget update showing the status of the Mum Show Sub-Committee accounts as at May 19, 2000.

## 5. OTHER BUSINESS

### 5.1 Next Meeting Date

The Committee agreed to hold its next meeting on Thursday, July 27, 2000 at 3:30 p.m. at Hamilton City Hall.

### 5.2 Meeting Dates for Creative Arts and Floriculture Staff

The Committee was in receipt of the meeting dates scheduled for Creative Arts representatives and Floriculture Staff to discuss the 2000 Mumz 'N Craft Show. Jeanne Reid agreed to attend these meetings (Judy Lockley to be her backup) as the Committee's representative.

### 5.3 Promotion of 2000 Mumz 'N Craft

The Committee was advised that the 2000 Mumz 'N Craft Show is not listed on Creative Arts' website. Jeanne Reid and Bob Chrystian agreed to raise this at the June 26th meeting with Creative Arts.

### 5.4 Souvenirs

Bob Chrystian reported on the issue of royalties for the sale of photographs of the Mum Show and suggested that if the Committee is looking at selling souvenir photographs of the Mum Show, that a Request for Proposals be prepared and sent out. Jeanne Reid agreed to raise the issue of souvenir sales, perhaps in the Mum Show portion of the 2000 Mumz 'N Craft Show, at the June 26th meeting with Creative Arts and report back.

The Secretary was asked to place the issue of souvenirs on the next agenda for discussion.

### 5.5 Letter from Eleanor Morrow re: 2000 Mum Show

Bob Chrystian advised the Committee that he received a letter from Mrs. Eleanor Morrow, Past Chairperson, Mum Show Sub-Committee, respecting the change in format for this year's Show and agreed to provide a copy to the Secretary for inclusion on the next agenda.

Note: The meeting adjourned at 5:00 p.m.

**Alderman T. Jackson, Chairperson**
**New Mum Show Sub-Committee**

**Charlene Touzel**
**Legislative Assistant**
**June 22, 2000**

C-1

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 August 15

**REPORT TO:** Chairman and Members
City Committee of the Whole
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager
Community Planning and Development Division

Lee Ann Coveyduck

**SUBJECT:** Demolition of:
134 HIXON STREET - Tag Number 00149215
(00.1.1.A) (PDC-00140)

**RECOMMENDATION:**

That the Acting Director of Building be authorized to issue a demolition permit for 134 Hixon Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.**

**BACKGROUND:**

PRESENT ZONING: C (Map E-76)

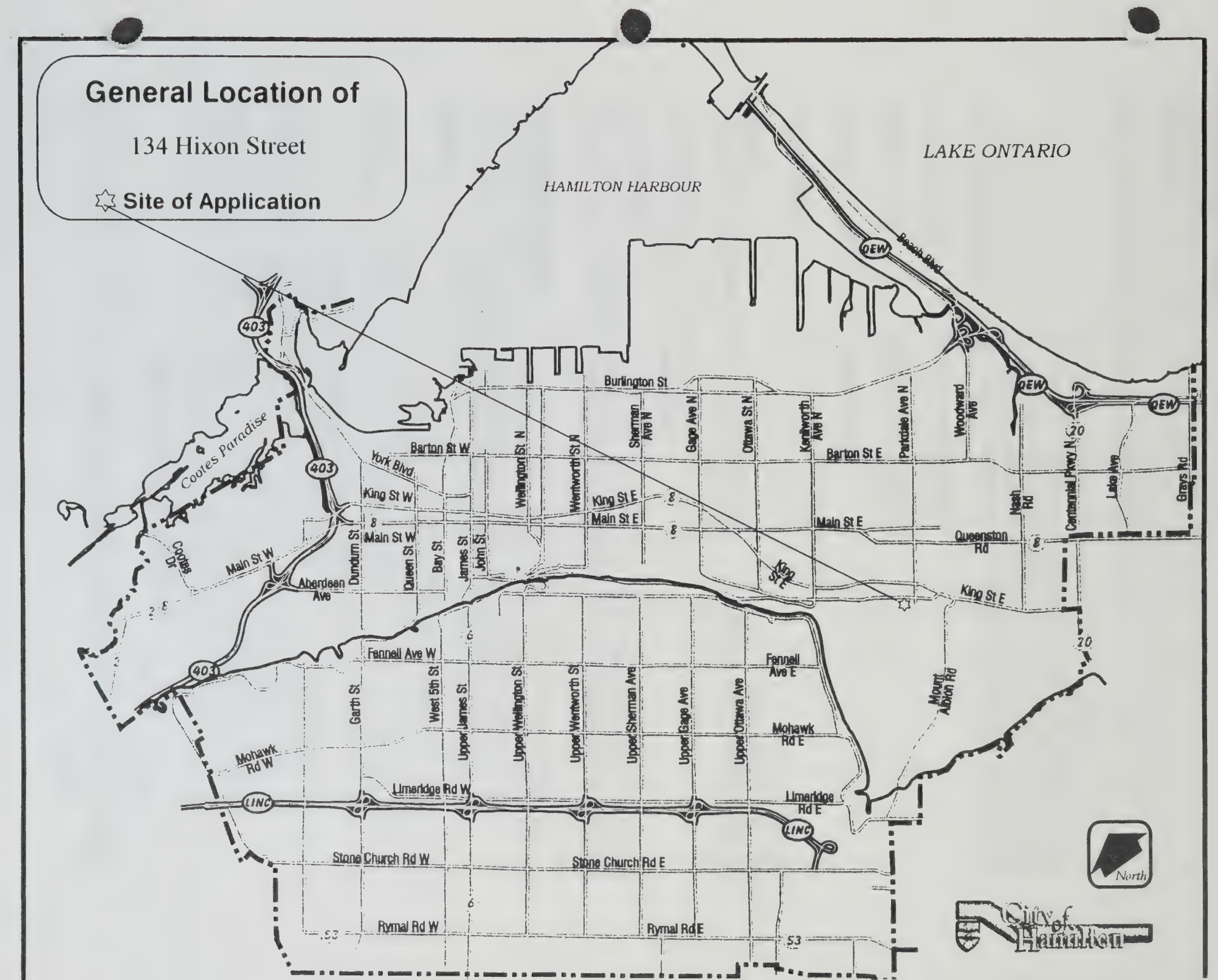
PRESENT USE: Single Family Dwelling

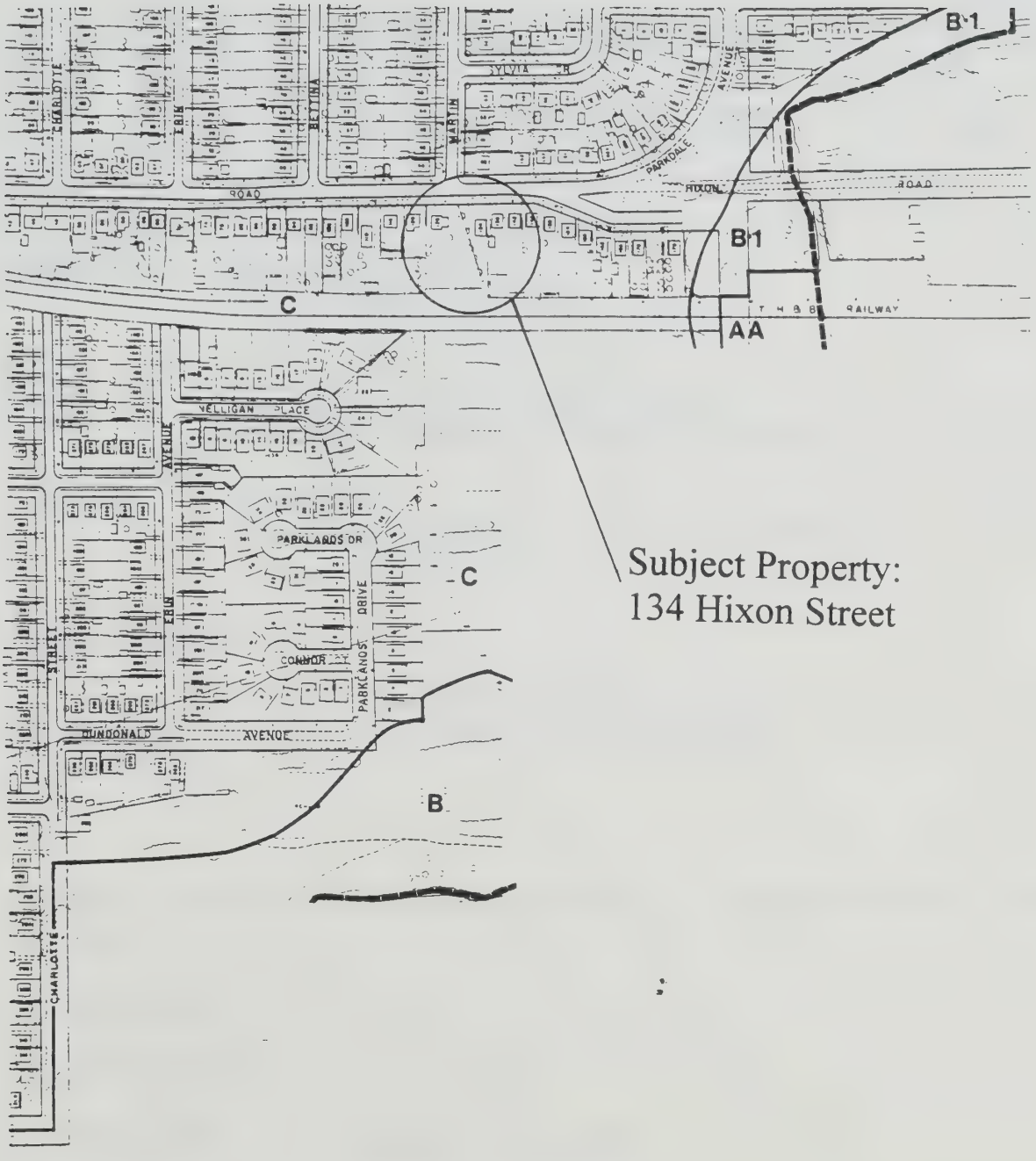
PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling and erect a new single family dwelling. This property is in the Rosedale Neighbourhood and is located in Ward 4 (please see attached neighbourhood and city overview map). No LACAC interest. Lot size 12.19m x 30.48m.

The owner of the property as per the demolition permit is:

Dusan Sobot
134 Hixon Street
Hamilton, Ontario L8K 2C1
FP/zr


General Location of
134 Hixon Street
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Queenston Rd
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Nash Rd
Lake Ave
Grays Rd
Coote's Paradise
Coote's Dr
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton




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|---|---|
| 9 52 51<br>122 117 113<br>67 87 88<br>This is not a Legal Document<br>For Zoning Verification Please<br>Contact City Building Department. | CITY OF HAMILTON<br>**ROSEDALE**<br>**ZONING** |
| Neighbourhood Boundary<br>Zoning Boundary. | 0 100m<br>SCALE 50m |
| Prepared for The City of Hamilton<br>by the Planning and Development Department<br>of The Regional Municipality of Hamilton-Wentworth | PLANNING UNIT NO 6502<br>JUNE 1988 |

C-2

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 August 15

**REPORT TO:** Chairman and Members
City Committee of the Whole
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager
Community Planning and Development Division

**SUBJECT:** Demolition of:
148 SELKIRK AVENUE - Tag Number 00148982
(00.1.1.A) (PDC-00141)

**RECOMMENDATION:**

That the Acting Director of Building be authorized to issue a demolition permit for 148 Selkirk Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.**

**BACKGROUND:**

PRESENT ZONING: C (Map E-74)

PRESENT USE: Single Family Dwelling

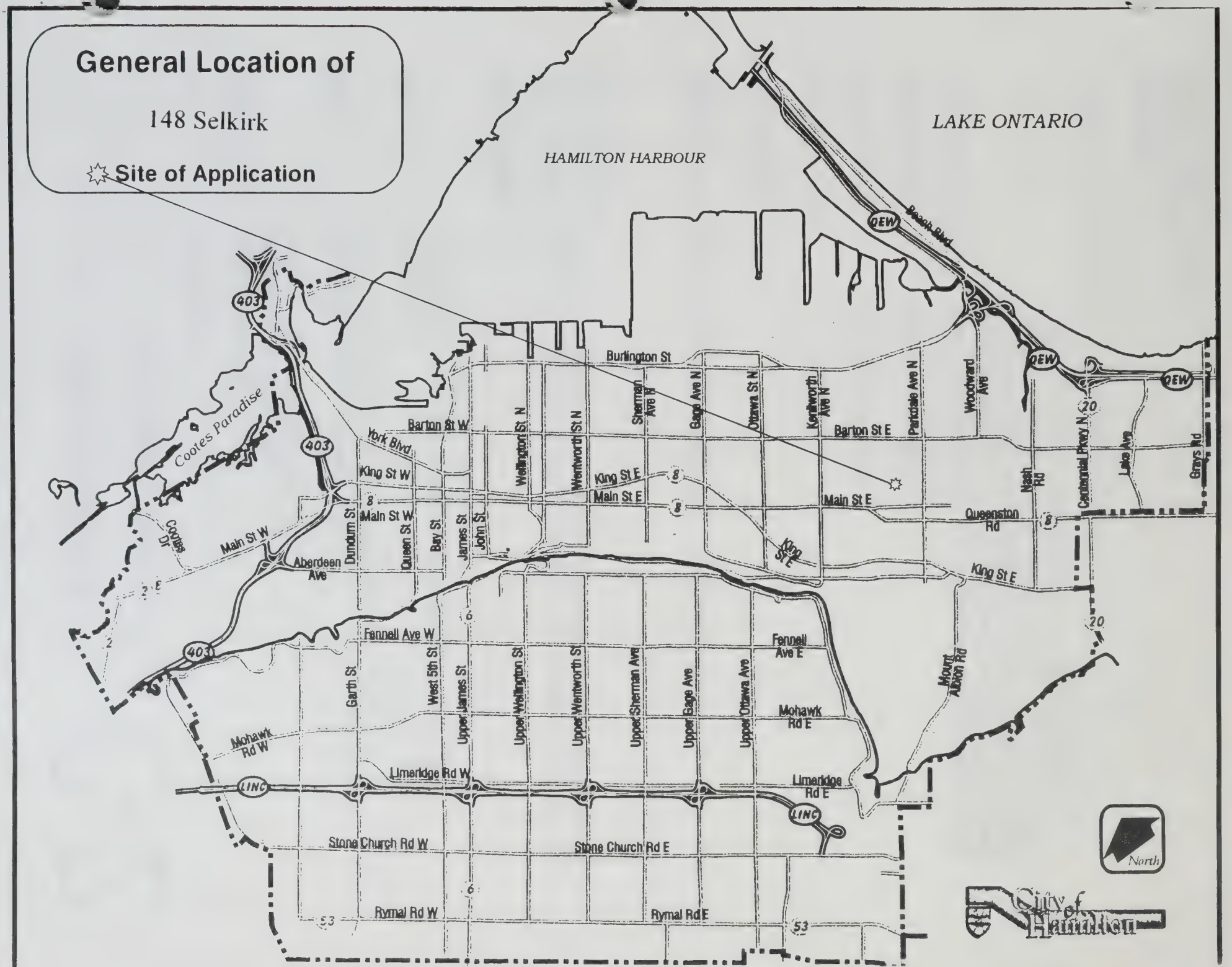
PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling and erect a new single family dwelling. This property is in the Normanhurst Neighbourhood and is located in Ward 4 (please see attached neighbourhood and city overview map). No LACAC interest. Lot size 11.89m x 25.91m.

The owner of the property as per the demolition permit is:

Terry Hazard
148 Selkirk Avenue
Hamilton, Ontario L8H 5M2

FP/zr


General Location of
148 Selkirk
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Aberdeen Ave
Dundurn St
Queen St S
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Queenston Rd
Coutts Dr
Coootes Paradise
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton

Subject Property:
148 Selkirk
QUEENSTON ROAD
MAIN STREET EAST
DUNSMUIR AVENUE
ROXBOROUGH AVENUE
BRITANNIA AVENUE
STRATHEARN AVENUE
PARKDALE AVENUE NORTH
SELKIRK AVENUE
NORMANHURST AVENUE
TOLTON AVENUE
WALTER AVENUE
JULIAN AVENUE
IVON AVENUE
ADELINE AVENUE
GLENNIE AVENUE
JEFFERSON AVENUE
ISABEL AVENUE
ROSEWOOD ROAD
CRAIGROYSTON AVENUE
COCHRANE ROAD
BELL AVENUE
G-3
DE-3
$:10D4

# CITY OF HAMILTON

C-3

## - RECOMMENDATION -

**DATE:** 2000 August 15

**REPORT TO:** Chairman and Members
City Committee of the Whole
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager
Community Planning and Development Division

**SUBJECT:** Demolition of:
273 NORMANHURST AVENUE - Tag Number 00149105
(00.1.1.A) (PDC-00142)

**RECOMMENDATION:**

That the Acting Director of Building be authorized to issue a demolition permit for 273 Normanhurst Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.**

**BACKGROUND:**

PRESENT ZONING: C (Map E-73)

PRESENT USE: Single Family Dwelling

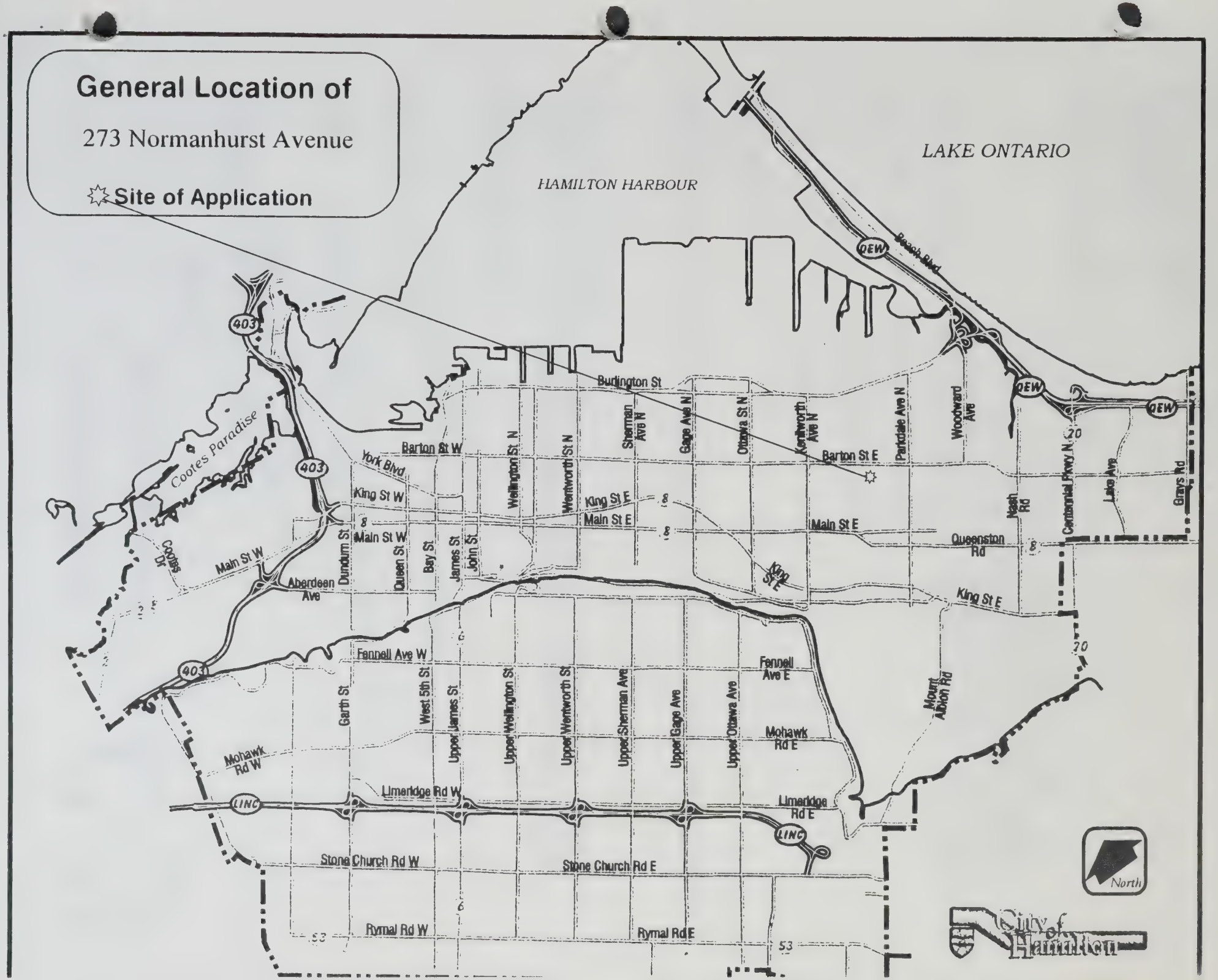
PROPOSED USE: Single Family Dwelling

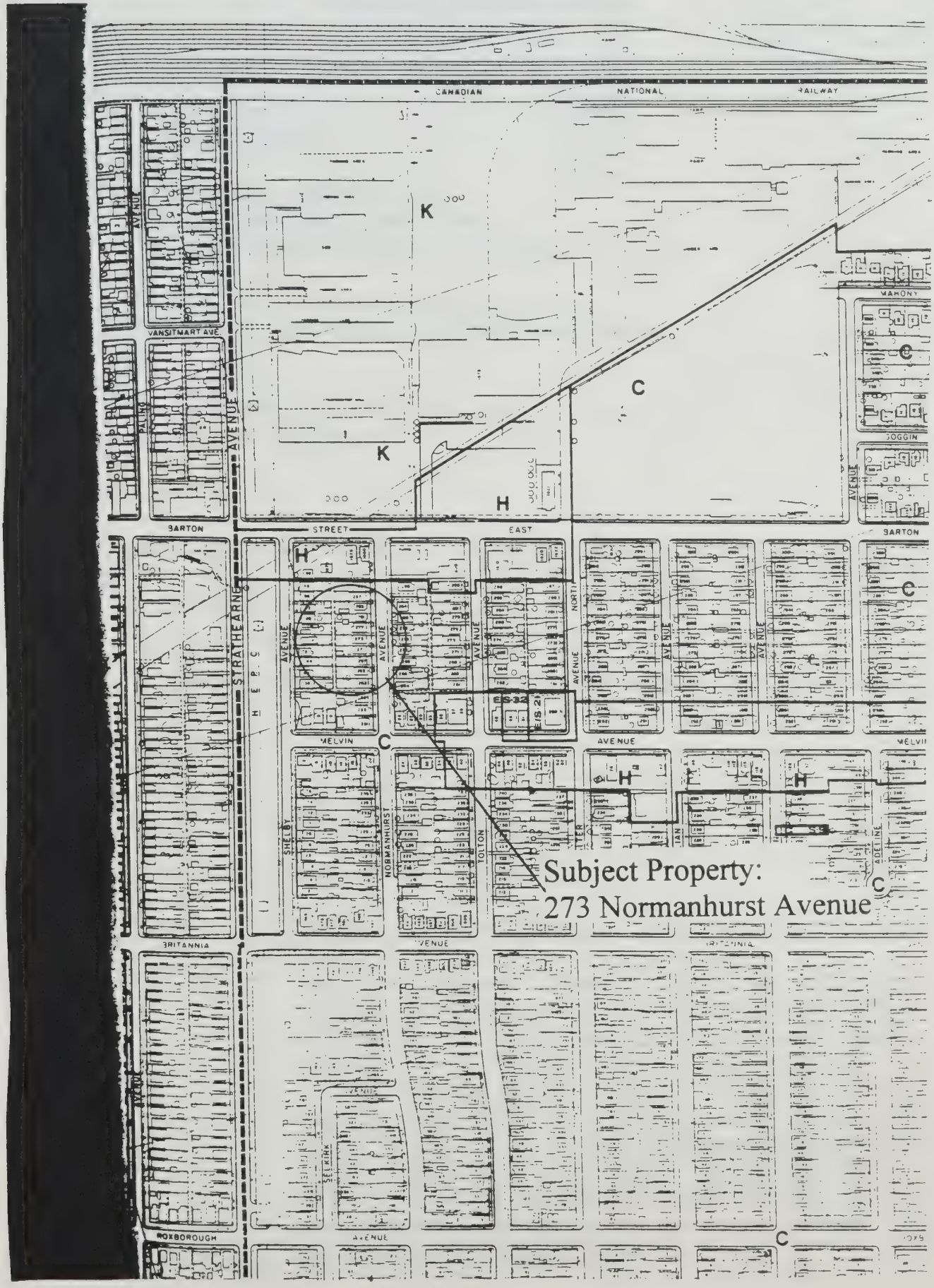
BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling and erect a new single family dwelling. This property is in the Normanhurst Neighbourhood and is located in Ward 4 (please see attached neighbourhood and city overview map). No LACAC interest. Lot size 9.14m x 30.48m.

The owner of the property as per the demolition permit is:

John Tassone
506 Berkindale Drive
Hamilton, Ontario L8E 5B6

FP/zr


General Location of
273 Normanhurst Avenue
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Cootes Paradise
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Lake Ave
Grays Rd
Nash Rd
Queenston Rd
Cootes Dr
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
QEW
403
LINC
North
City of Hamilton


CANADIAN
NATIONAL
RAILWAY
VANSITMART AVE.
BARTON
STREET
EAST
STRATHEARNE
AVENUE
MELVIN
NORMANHURST
TOLTON
SHELBY
BRITANNIA
ROXBOROUGH
Subject Property:
273 Normanhurst Avenue

C-4

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 August 15

**REPORT TO:** Chairman and Members
City Committee of the Whole
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager
Community Planning and Development Division

**SUBJECT:** Demolition of:
40 MARGARET STREET - Tag Number 00149217
(00.1.1.A) (PDC-00143)

**RECOMMENDATION:**

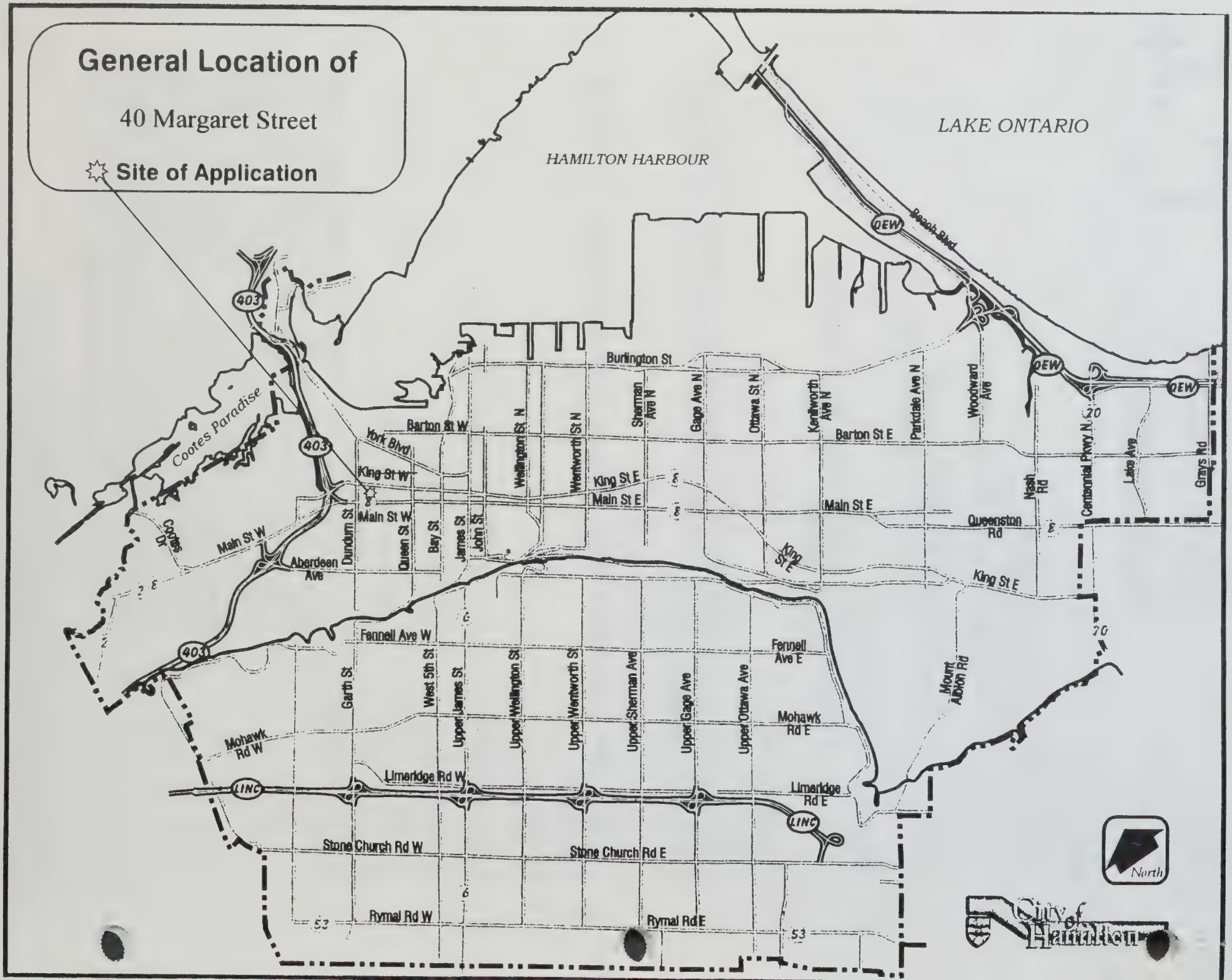
That the Acting Director of Building be authorized to issue a demolition permit for 40 Margaret Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval not required.**

**BACKGROUND:**

| | |
|---|---|
| PRESENT ZONING: | DE-H/S-1402a (not final) (Map W-12) |
| PRESENT USE: | Single Family Dwelling |
| PROPOSED USE: | Eleven Unit Multiple Dwelling |
| BRIEF DESCRIPTION: | The owner proposes to demolish the existing single family dwelling and merge the lands with the proposed development of the eleven unit multiple dwelling within the existing building known as 30 – 36 Margaret Street. An application has been submitted to rezone these lands from a "D" to a "DE" District, however, as of this date the zoning application ZA-00-15 has not been finalized. The required development agreement has not been submitted as of this date. This property is in the Strathcona Neighbourhood and is located in Ward 1 (please see attached neighbourhood and city overview map). No LACAC interest. Lot size 5.334m x 40.36m. |

The owner of the property as per the demolition permit is:
Dave Valvasori, 15 Old Oakes Place, Ancaster, Ontario L9G 4W9
FP/zr


General Location of
40 Margaret Street
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cootes Paradise
Cootes Dr
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton




| | | |
|---|---|---|
| 39 | 40 | 107 |
| 135 | 127 | 21 |
| 138 | 92 | 41 |

This is not a Legal Document

C-5

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 August 16

**REPORT TO:** Chairman and Members
City Committee of the Whole
Planning and Development Committee

**FROM:** Lee Ann Coveyduck
General Manager
Community Planning and Development Division

**SUBJECT:** Demolition of:
1343 Barton Street East - Tag Number 00-149443
(00.1.1.A) [PDC-00144]

**RECOMMENDATION:**

a) That subject to the requirements below, the Director of Building be authorized to deny an application for a demolition permit for the building located at 1343 Barton Street East in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and

b) That the Director of Building be authorized to issue a demolition permit for the building located at 1343 Barton Street East where the applicant has applied for and received the required site plan approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval is not required.**

**BACKGROUND:**

PRESENT ZONING: H (Map E-63)

PRESENT USE: Single Family Dwelling

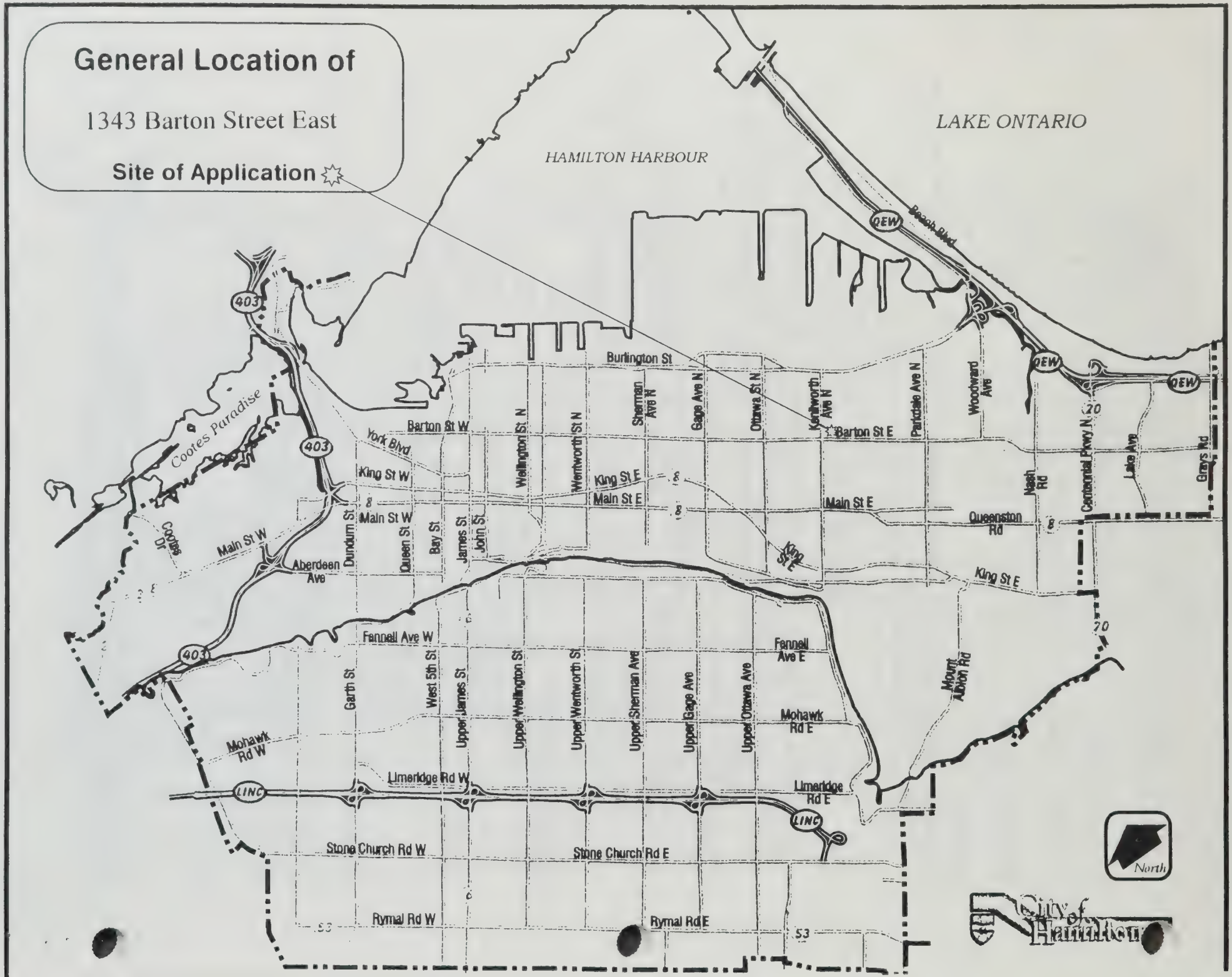
PROPOSED USE: Expansion of the existing retail store

BRIEF DESCRIPTION: The owner proposes to demolish the existing one storey single family dwelling and merge these lands with the existing East Hamilton Radio retail store for the purpose of an addition to the existing retail store. As of this date, the required site plan application has not been submitted to the Community Planning and Development Division. This property is in the "Homeside" Neighbourhood and is located in Ward 4. No LACAC interest. Lot size 9.14m x 30.48m.

The owner of the property as per the demolition permit is:

East Hamilton Radio
1325 Barton Street East
Hamilton, Ontario L8H 2W2

FP/fd


General Location of
1343 Barton Street East
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Coote's Paradise
Cootes Dr
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Lake Ave
Gray's Rd
Nash Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton

Subject Property:
1343 Barton Street East
BARTON
CANNON
DUNBAR
MERCHISON
HARRISON
ALBANY
HOPE
KENILWORTH
DIVISION
WEIR
TRAGINA
HARMONY
ARCHIBALD
DE
C
H
G 31
CS-2sc
W/S 837
J/S 837

# CITY OF HAMILTON

# - RECOMMENDATION -

C-6.

**DATE:** 2000 August 16

**REPORT TO:** Chairman and Members
City Committee of the Whole
Planning and Development Committee

**FROM:** Lee Ann Coveyduck
General Manager
Community Planning and Development Division

**SUBJECT:** Demolition of:
1345 Barton Street East - Tag Number 00-149441
(00.1.1.A) [PDC-00145]

**RECOMMENDATION:**

a) That subject to the requirements below, the Director of Building be authorized to deny an application for a demolition permit for the building located at 1345 Barton Street East in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and

b) That the Director of Building be authorized to issue a demolition permit for the building located at 1345 Barton Street East where the applicant has applied for and received the required site plan approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval is not required.**

**BACKGROUND:**

PRESENT ZONING: H (Map E-63)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Expansion of the existing retail store

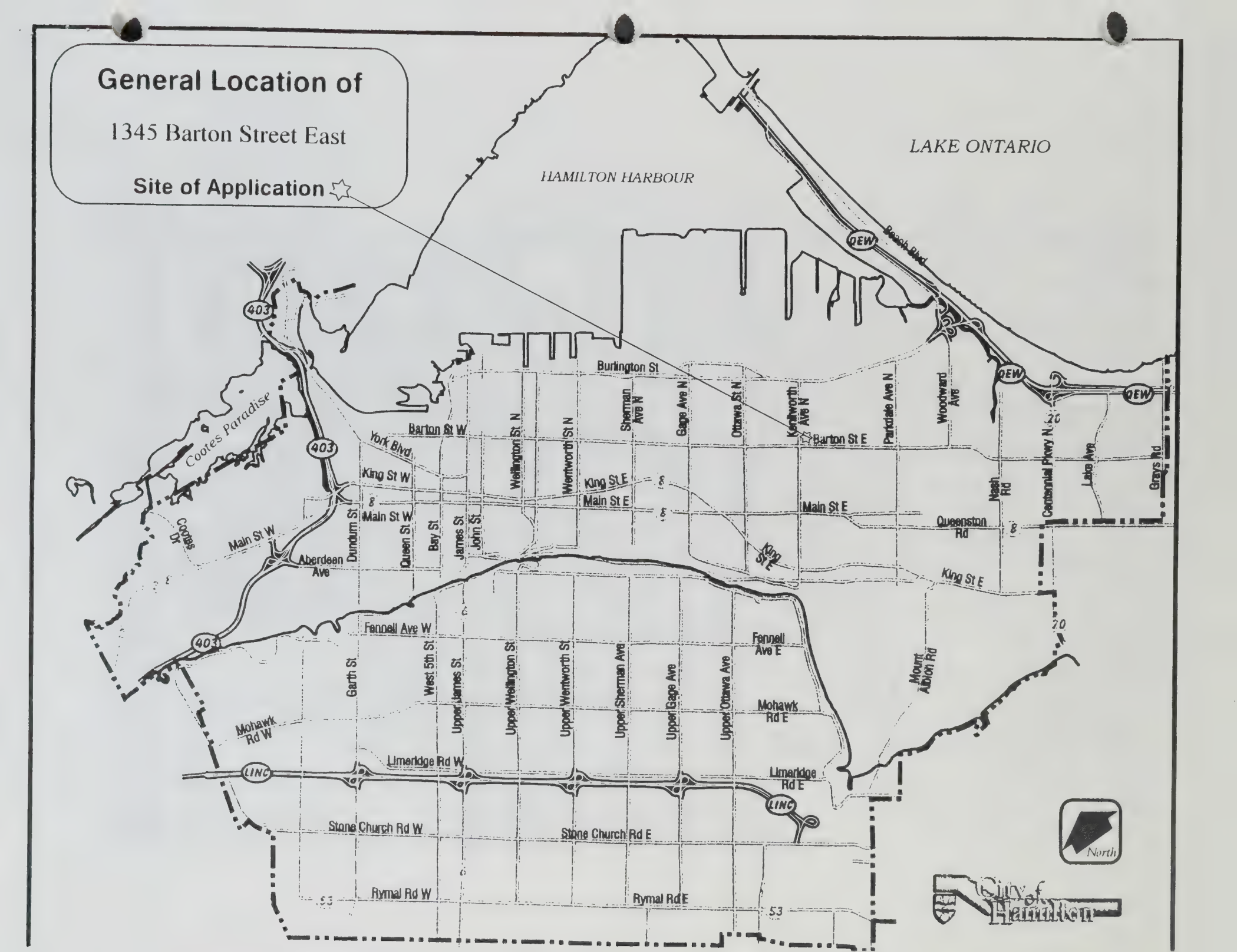
BRIEF DESCRIPTION: The owner proposes to demolish the existing one storey single family dwelling and merge these lands with the existing East Hamilton Radio retail store for the purpose of an addition to the existing retail store. As of this date, the required site plan application has not been submitted to the Community Planning and Development Division. This property is in the "Homeside" Neighbourhood and is located in Ward 4. No LACAC interest. Lot size 22.86m x 30.48m.

The owner of the property as per the demolition permit is:

East Hamilton Radio
1325 Barton Street East
Hamilton, Ontario L8H 2W2

FP/fd

Subject Property:
1345 Barton Street East
BARTON
KENILWORTH
AVENUE
CANNON
H
DE
C
G31
HS 837


General Location of
1345 Barton Street East
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Coates Paradise
Coates Dr
Aberdeen Ave
Dundurm St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Lake Ave
Grays Rd
Nash Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
53
20
North
City of Hamilton

C-7

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 2000 August 16

**REPORT TO:** Chairman and Members
City Committee of the Whole
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager
Community Planning and Development Division

**SUBJECT:** Demolition of:
1190 Upper Ottawa Street, Unit #52 - Tag Number 00149430
(00.1.1.A) (PDC-00146)

**RECOMMENDATION:**

That the Director of Building be authorized to issue a demolition permit for 1190 Upper Ottawa Street, Unit #52, in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval is not required.**

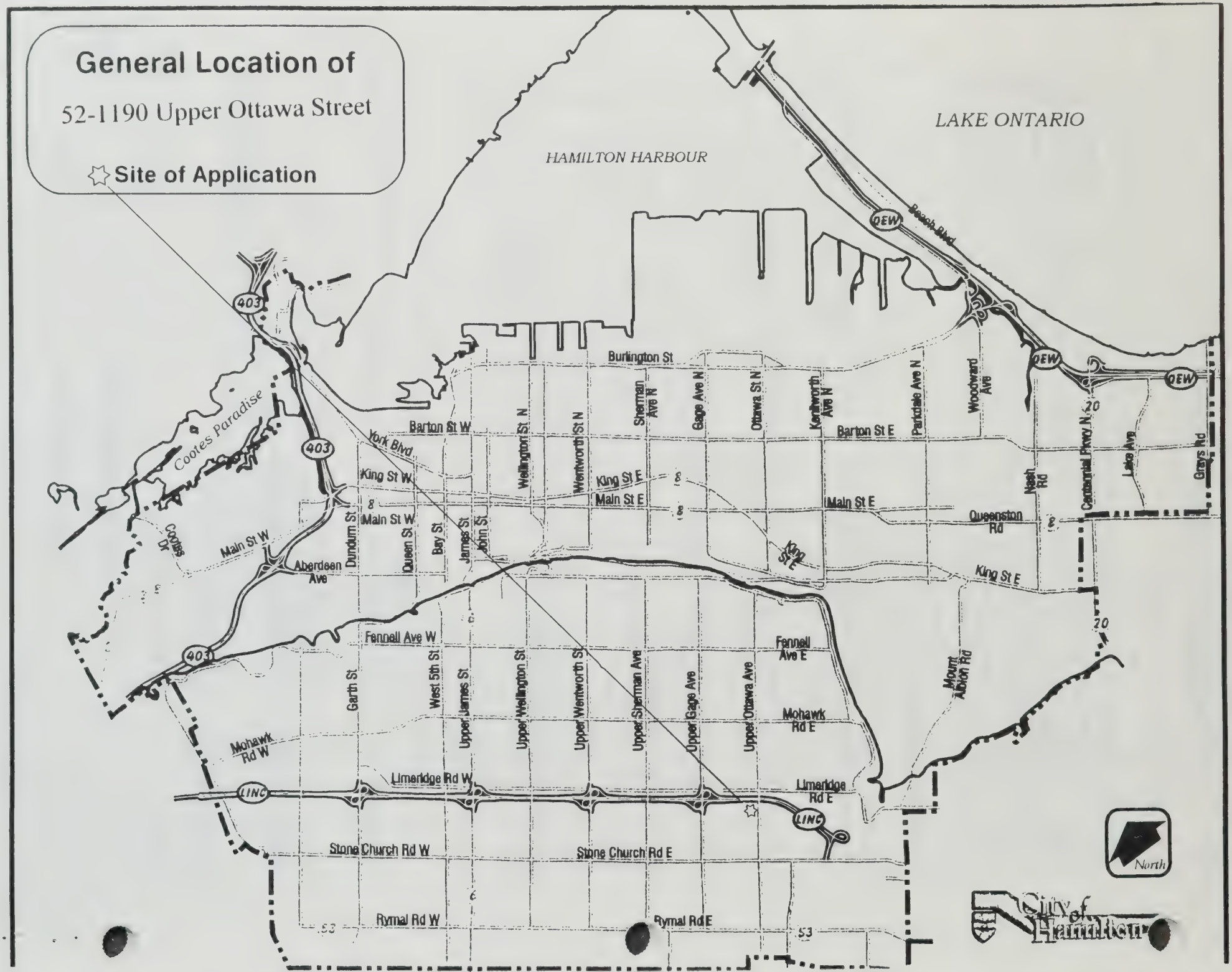
**BACKGROUND:**

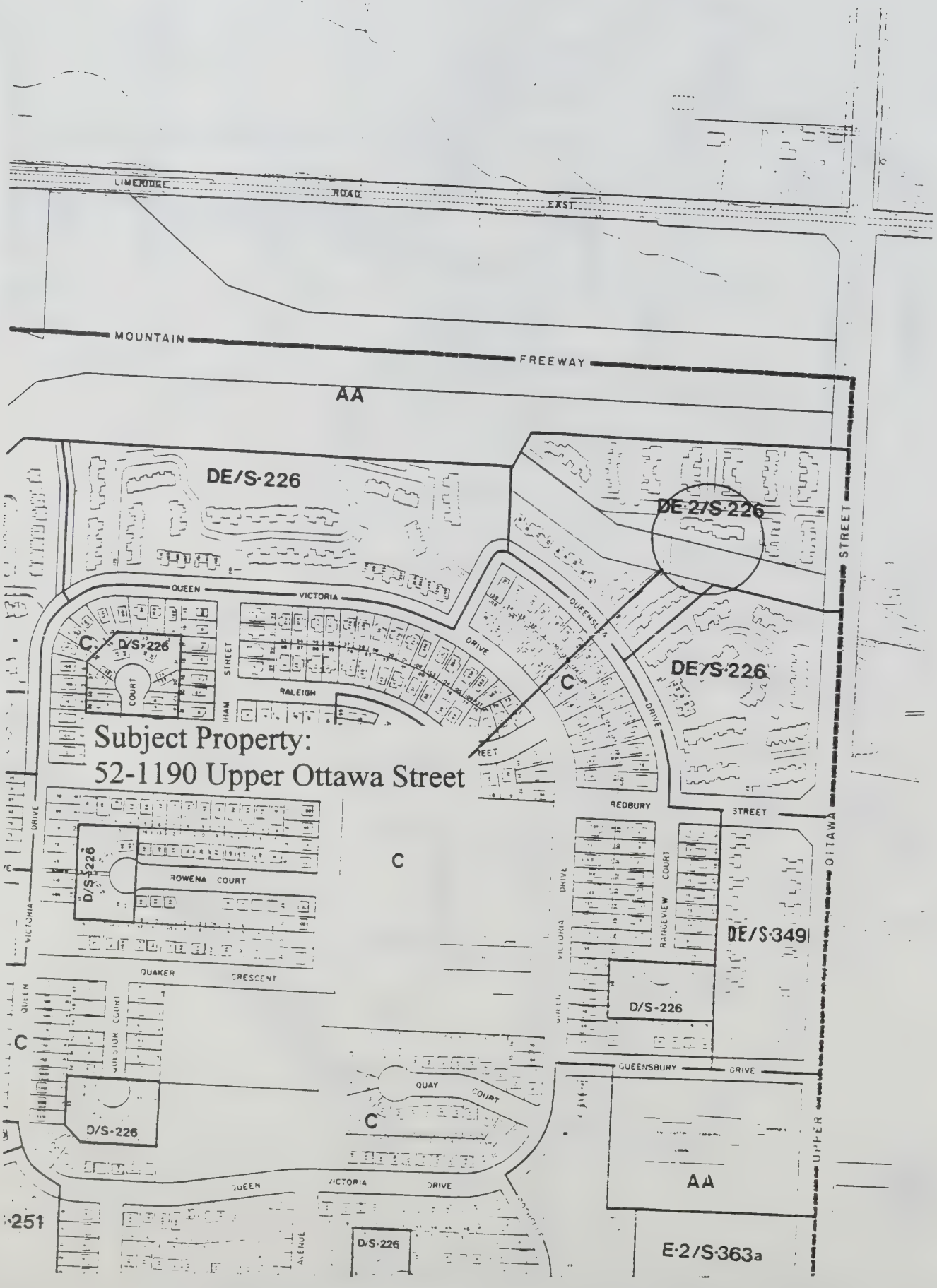
| | |
|---|---|
| PRESENT ZONING: | DE-2/S-226 (Map E-49B) |
| PRESENT USE: | Single Family Dwelling – one (1) unit of a six (6) unit townhouse |
| PROPOSED USE: | Single Family Dwelling – one (1) unit of a six (6) unit townhouse |
| BRIEF DESCRIPTION: | The owner proposes to demolish the existing townhouse dwelling unit which was damaged by a fire on June 10th, 2000, and replace the dwelling with a new dwelling unit. The required building permit application has been submitted for the replacement dwelling unit, however, as of this date the required site plan application or site plan exemption application has not been submitted to the Community Planning and Development Division. This property is located in the Quinndale Neighbourhood and is located in Ward 6 (please see attached neighbourhood map and city overview map). No LACAC interest. . |

The owner of the property as per the demolition permit is:

Lila Gledhill
1190 Upper Ottawa Street Unit 52
Hamilton, Ontario L8W 1T8

FP/zr/fd


General Location of
52-1190 Upper Ottawa Street
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cootes Paradise
Cootes Dr
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
20
53
North
City of Hamilton


LIMERIDGE ROAD EAST
MOUNTAIN FREEWAY
AA
DE/S-226
DE-2/S-226
DE/S-226
QUEEN VICTORIA DRIVE
QUEENSLIA DRIVE
STREET
D/S-226
COURT
RALEIGH
C
Subject Property:
52-1190 Upper Ottawa Street
REDBURY STREET
ROWENA COURT
D/S-226
C
QUAKER CRESCENT
RANGEVIEW COURT
DE/S-349
D/S-226
QUEENSBURY DRIVE
QUAY COURT
C
D/S-226
AA
QUEEN VICTORIA DRIVE
D/S-226
E-2/S-363a
UPPER OTTAWA
251

C-8

**CITY OF HAMILTON**

**RECOMMENDATION**

**DATE:** August 18, 2000

**REPORT TO:** Chairman and Members
Planning and Development Committee

**FROM:** Dr. Elizabeth Richardson
Acting General Manager and Medical Officer of Health
Social and Public Health Services Division

**SUBJECT:** Community Heritage Trust Fund Program
Loan Increase
293 Park Street South, Hamilton (HSB00014)

**RECOMMENDATION:**

That a loan increase under the Community Heritage Trust Fund Program, in the amount of three thousand, six hundred and sixty-one dollars ($3,661) to David and Janis Topp, registered owners of 293 Park Street South, be approved.

E.R.

Dr. Elizabeth Richardson

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The loan increase of $3,661 will be funded from the Community Heritage Trust Fund Program; the uncommitted balance of which is $515,304.

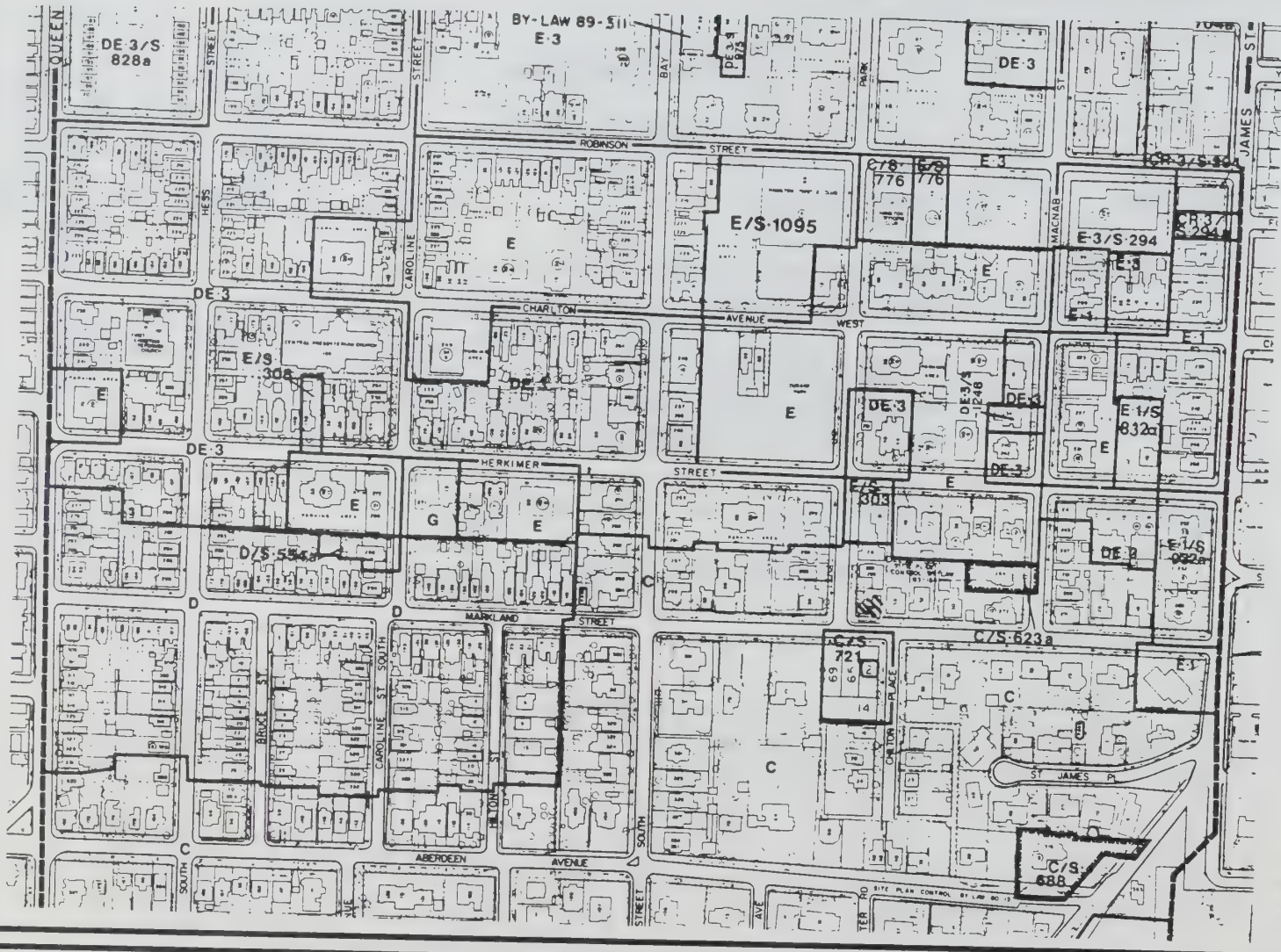
**Based on review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.**

**BACKGROUND:**

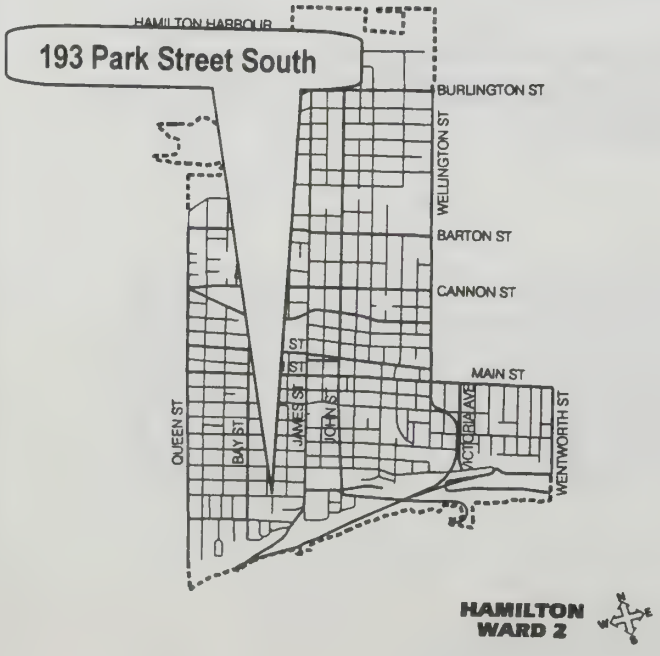
City Council at its meeting held October 12, 1999 approved a loan application under the subject program in the amount of $11,339. The owner has since met the criteria for additional work costing $3,661 that has been reviewed and found acceptable. It is therefore recommended that the owner's application be increased for an additional $3,661. In accordance with program requirements, loan security is provided by a promissory note and lien; with the loan amortized for ten (10) years at zero per cent interest, the monthly payment will be $30.51.

ER/MM/dk

cc Ann Gillespie, Community Planning and Development
Ray Camani, Finance Department




# KEY MAP




# LOCATION PLAN

293 Park Street South, Hamilton
Heritage Loan Increase

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Social and Public Health, Housing and Shelter Branch

# LEGEND

**SUBJECT LAND**

| SCALE | DATE |
|---|---|
| NOT TO SCALE | 2000-08-21 |

REFERENCE FILE NO: **HSB00014**

C-9

**CITY OF HAMILTON**

**RECOMMENDATION**

**DATE:** August 18, 2000

**REPORT TO:** Chairman and Members
Planning and Development Committee

**FROM:** Dr. Elizabeth Richardson
Acting General Manager and Medical Officer of Health
Social and Public Health Services Division

**SUBJECT:** Core Heritage 2000 Program
Grant Increase
47 James Street South, Hamilton (HSB00015)

**RECOMMENDATION:**

That a grant increase, for façade improvements, under the Core Heritage 2000 Program, in the amount of one thousand, four hundred and thirty-eight dollars ($1,438) to David H. Blancard Property Corporation, registered owner of 47 James Street South, be approved.

Dr. Elizabeth Richardson

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The grant increase of $1,438 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is $110,628.

**Based on review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.**

**BACKGROUND:**

City Council at its meeting held January 25, 2000 approved a grant application under the subject program in the amount of $63,816. The owner has since met the criteria for additional work costing $1,438 that has been reviewed and found acceptable. It is therefore recommended that the owner's application be increased from $63,816 to $65,254.

ER/MM/dk

cc Ann Gillespie, Community Planning and Development
Ray Camani, Finance Department

and Development, Economic Development, Housing and Loan and Legal Departments be established to bring forth appropriate recommendations to Council on criteria for project, underwriting and risk assessment processes;

e) That staff be authorized and directed to engage the services of an independent party to provide due diligence expertise in the development of application structure criteria and risk analysis and make recommendations on each application for funding;

f) That the GM of Community Planning and Development Department assign an officer to conduct an evaluation of the program and report to Council annually on its status;

g) That the interest subsidy costs of this program be considered as part of the 2001 Budget Process;

h) That interest subsidy costs for 2000 be financed from the un-allocated 2000 Downtown Convert to Residential Loan Program, which has a balance of $900,305;

i) That the CIP amendments as proposed in Report PDC00138, presented to the Committee of Whole on August 9, 2000 and follow up report PDC00138(A) be considered by Council and approved by the Ministry of Municipal Affairs and Housing prior to implementation of this revised program.

j) That no project be considered for funding until the applicant has satisfied the City of Hamilton that full project funding is in place;

**Transition Board approval is required for the above-noted recommendations.**

P. Mason

for Lee Ann Coveyduck
General Manager
Community Planning and Development Division

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are two issues of note in regard to the Convert/Renovate to Residential Loan Program. Firstly, there is risk inherent to the existing program and the revisions proposed herein, as in the case with any loan. However the objective of increasing the residential population of the CORE through the residential conversion program has a great deal of

merit. Consequently, the proposed revisions seek to mitigate the potential risks by:

- Employing a third party real estate group to provide risk analysis and expertise in assessing potential developments;
- Registering an encumbrance on title to the subject property for the full value of the loan;
- Ensuring that any loan is conditional upon proof that full project financing has been secured.

Secondly, while the interest free loan is an incentive to redevelopment, the municipality bears the resulting cost. It is difficult to quantify the costs of the proposed revisions as market conditions and interest rates will affect utilization of the same. The program will be financed on an as-needed basis; pending approval of individual projects by Council.

The interest subsidy cost on the proposed $10.0 million segregated operating credit facility will be the same rate as that currently enjoyed by the City of Hamilton. The interest and administrative costs will be calculated monthly based on the outstanding balance.

The majority of recently proposed projects are intended to be registered as condominiums. The City would receive repayment of the $20/sq.ft loan, per sold unit, thereby reducing the interest subsidy cost calculated on the outstanding balance.

**Staffing:**

It is proposed that the plan can be administered within the existing complement. Should the uptake warrant more staff time, a further report will be provided to Council on FTE requirement.

**Legal:**

Approval of the CIP amendments by Council and the MMHA will facilitate the implementation of the program under existing provincial legislation. The Municipal Act authorizes a municipality to borrow money. However, the Ontario Municipal Board Act requires Ontario Municipal Board approval to borrowings that exceed the prescribed limits. The City Treasurer has confirmed that the $10.0 million operating line of credit does not exceed the prescribed borrowing limits. Ontario Municipal Board approval, therefore, is not required.

**SUSTAINABLE COMMUNITY IMPLICATIONS:**

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton–Wentworth, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all regional decision-making.)

With the redevelopment of existing properties and the conversion of surplus Class C/D commercial space, pressure to expand the Urban Boundary will be mitigated and

existing infrastructure utilized more efficiently. The adaptive re-use and residential renewal of properties within established urban areas is a primary objective of Vision 2020 to support a variety of sustainable community targets.

**BACKGROUND:**

All of the reports that have been tabled on downtown revitalization clearly indicate the need to attract more people to live in the CORE. The objective of the City of Hamilton is to increase the population of the CORE from its approximate 27,000 – 28,000 to 30,000 over the next 5-7 years.

A report prepared by Barry Lyon Consultants Limited (as part of the HHHBA downtown residential study completed in December of 1998), indicated that the market demand for residential units varies in size from 900 to 1,100 sq. ft. with an absorption rate of approximately 100-125 units per annum, dependent on mortgage rates and market conditions. Therefore the maximum loan amount per unit has been eliminated to facilitate various unit size to meet market demand.

The City of Montreal, in conjunction with the Provincial Government, provides a $15,000 grant for the creation of each residential unit developed in the Montreal Downtown Core.

The U.S. is dotted with examples of development organizations that have been successful in lobbying local, state and federal governments to provide billions of dollars across the country for the redevelopment of downtown areas. The various levels of US governments recognize that significant public sector investment must be made in order to address and attract new development in the downtown core (Cleveland, Pittsburgh, Akron, Rochester, Cincinnati and many others).

Urban renewal programs in the USA make extensive use of incentives through the income tax system, which is not available in Canada. Hence, direct loan and grant programs are the only alternative for Ontario municipalities under CIP legislation.

**CONVERSION BENEFITS:**

The commercial vacancy rate in the downtown core is significantly skewed due to the inclusion of under-utilized Class C and D buildings. Class A and B buildings have achieved a fairly stable utilization rate, with vacancies fluctuating at approximately 10 - 12% per annum. The inclusion of substantial vacant floor space in Class C and D buildings raises this total in excess of 20%.

The adaptive reuse of the Class C and D properties to residential development will re-focus the quality and supply of the commercial office market, revitalize under-utilized properties

and provide new residential housing stock for the CORE, in accordance with the City's fundamental planning objectives. The mix of the residential housing stock generated from an expanded Renovate/Convert to Residential Loan Program will vary in size based on market demand.

**PROGRAM OVERVIEW:**

The Convert/Renovate to Residential Loan Program was approved by Council in 1997. Its purpose is to facilitate the conversion of commercial properties to residential units on a small to medium scale. It was amended to include condominiums in June 1998, with an increased upset loan limit of $500,000 per deeded property. The current program provides for an allocation to a maximum of $20,000 per residential unit as an interest free loan for 10 years. If the completed project is occupied as a condominium, then as each unit is sold the outstanding loan is repaid to the municipality.

In its current form the program has been a limited success. Since its inception a total of $363,250 has been loaned out. A number of proposals for larger conversion projects have had to be declined because they were outside the current funding parameters. One larger project that did receive approval in June 1998 – the old Spectator building redevelopment – has not proceeded. Currently, the program has an unspent balance of $900,305.

The program, its current form, is not adequate to meet the costing differences between renovation/conversion and green field development. Experienced builders continue to indicate that it is cheaper to build new than to renovate downtown properties on a square footage basis. This is not a fault of the program as much as it is reflective of the difficulties of redevelopment in the CORE. Interest in small scale conversion/renovation has been very limited. Most recent project proposals are of a medium to large scale, but are having or have had great difficulty in securing permanent financing. Variations in the City program's loan on the basis of unit size and the $500,000 maximum per deeded property are not presently sufficient to assist in the overall financing of such projects.

In reviewing the performance of the program to date, staff are of the opinion that the maximum loan limits should be removed to allow larger projects to qualify and thereby promote a critical mass of residential development opportunity which downtown planning objectives seek to establish. This report presents recommendations that would create a more attractive stimulus for redevelopment, while minimizing risk to the City of Hamilton.

It is important to note that current program requirements relating to minimum 25% borrower's equity, loan security, underwriting and the criteria of allowing renovation will not change. In the case of condominiums, partial discharges of the loan will be

obtained on the sale of each unit by the borrower/developer. It is considered important to retain these program criteria as individual projects become more significant.

In view of the potentially larger loans contemplated under these program revisions, it is prudent to engage the underwriting/appraisal services of experienced consultants, such as those found in financial institutions. The cost of such services and other administrative expenses will be charge to the borrower through a flat $500 per unit fee, which is eligible to be included in the loan amount. Staff also plan to establish a multi-disciplinary team to refine project evaluation criteria, standards and expectations of the program for internal use and by third party consultants in assessing individual applications.

In discussions with the City's banker, staff have concluded that accessing the current line of credit account, rather than setting aside capital funds for an enhanced loan program is the most efficient method of financing. Thus, increased access to capital is possible at the City's present borrowing rate of interest. Based on upcoming conversion proposals (discussed below) staff recommend segregating $10.0 million as a line of credit for this program. Any interest costs that may accrue in the remainder of 2000 can be funded from the Convert/Renovate to Residential Loan Programs current balance. It will be necessary to consider longer-term carrying costs in the context of the 2001 Budget.

**POTENTIAL PROJECTS:**

Staff has been working with a number of clients to encourage residential development in the CORE. The ones that staff are aware of that are considering development include:

1) Alexandria Square – proposed 160 to 170 units. Total size 152,000 sq. ft.

2) Connaught – proposed 60 - 70 units. Total size 50,000 sq. ft

3) Frisina Developments – proposed 15 to 20 units. Total size 18,000sq.ft

4) 137 King Street East – proposed 45 units. Total size 50,000 sq. ft

5) 74 Hughson Street – proposed 60 units. Total size 52,000 sq. ft

6) Century Theatre—proposed 45 units. Total size 50,000 sq. ft.

7) Rebecca and James-proposed 25-30 units. Total size 30,000 sq. ft.

These projects may not come to fruition but it is important for the municipality to provide the stimulus, which will hopefully serve as the catalyst for private sector

investment/development.

**PERFORMANCE MEASURES:**

The success of an expanded Convert/Renovate to Residential Loan Program would be gauged on:

1. its ability to deliver to the market, on average,100-125 new units per annum;
2. 5 percent reduction/annum of Class C/D commercial space;
3. new residents in the defined CORE area;
4. achievements in the beautification of the CORE.

**SUMMARY OF PROPOSED CHANGES:**

1. Extending the boundaries of the current CIP (see CP&D report CDC00138(A))
2. Eliminating the $500,000 cap per property.
3. Replace the $20,000 cap per unit by an allocation of $20 per square foot of habitable living space (exclusive of common areas), which would facilitate units of varying size to meet market demand.
4. Extending the program to include renovations, conversion and new added units as part of the redevelopment project.

**INDIRECT BENEFITS:**

From a cost benefit analysis the new taxes may not meet the costs associated with the project. However, the project must also consider the indirect benefits

1. New residences as per Council direction
2. Safety and security of people
3. Image from the GO STATION of the City
4. Retail purchases in the CORE
5. Vitality/activity
6. Reduction of Class C and D commercial office space
7. Area beautification
8. Aesthetically pleasing structures

NMC:

# CITY OF HAMILTON

# - RECOMMENDATION -

C-11

**DATE:** August 24, 2000

**REPORT TO:** Chairman and Members
City Committee of the Whole
Planning and Development Committee

**FROM:** Lee Ann Coveyduck
General Manager
Community Planning and Development Division

P. Mason for L.A. Coveyduck

**SUBJECT:** Downtown Convert/Renovate to Residential Loan Program
135 – 143 James St. S.
Vaudrelac Development Inc. - in Trust and
G. S. Global Developments Ontario Inc.
(PDC00152)

**RECOMMENDATION:**

a) That a loan to Vaudrelac Development Inc. - in Trust for building rehabilitation and conversion to 170 residential rental units at 135 – 143 James St. S. be authorized upon the Convert to Residential Loan Programs, subject to the conditions set out and referred to in this recommendation, including the following details:

   i) A maximum loan of $3,400,000 under the Convert to Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any), at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the by Corporate Counsel and the applicants' lawyer in a form satisfactory to Corporate Counsel;

b) That the loan amounting to $3,400,000 be subject to the following conditions:

   i) That the applicant be required to fulfill all the borrowing requirements of the City of Hamilton with respect to the Convert to Residential Loan Program, including, evidence satisfactory to the City, of the owners' equity of not less than 25% of the appraised value after deducting from such appraised value, the owners' mortgages and other encumbrances, such as liens or realty tax arrears and the balance of the loan shall be re-payable to the City in the event the applicant ceases to own the property (except to the extent the property is registered as a residential condominium);

ii) That upon the applicant meeting all loan conditions, advances of the City's loan to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City's loan, fully applied its equity and first mortgage loan funds and provided further that:

1) All advances are subject to compliance with the Construction Lien Act and other usual requirements of lenders;

2) At the time of each loan advance:

- there remains at least 25% owners' equity (as described above) in the properties;
- the applicants' architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for the building rehabilitation and conversion to 170 units and the value of the said remaining work is less than the amount of the City's loans; and,
- the said applicant is the registered owner of the property.

iii) That the approval of the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the said amendment and inclusion of the property in the Downtown Community Improvement Project Area including such loan is approved;

iv) That the applicant has applied for and received a building permit within 4 months of the approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan amendment;

v) That the client commence construction within 3 months of the final loan approval by Council; and,

vi) Such other terms and conditions that Council may, in its discretion, require.

c) That Report PDR00152 be considered in conjunction with Report PDR00151 which are being concurrently presented to the Committee of the Whole on September 5, 2000.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Transition Board approval is required and should be forwarded at the same time that the report from the General Manager of Finance, as noted below, is forwarded to the Board.**

**BACKGROUND:**

Report PDR00152 has been prepared pursuant to a request from the developer, Vandrelac Development - in Trust for financial support to convert two commercial buildings on 135 –143 James St. S. into 170 rental units. As further information for the Committee, the applicant has agreed to attend the meeting to address any questions and to describe the contemplated scope of the project.

The company has applied for loan assistance of $3.4 million under the Convert to Residential Program. This request conforms to the policy recommended in Report PDC00151 which is also being considered by the Committee of the Whole on September 5, 2000.

# CITY OF HAMILTON

## - RECOMMENDATION -

C-12.

**DATE:** August 24, 2000

**REPORT TO:** Chairman and Members
Committee of the Whole
Planning and Development Committee

**FROM:** Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

**SUBJECT:** Appointment of Building Inspectors By-Law (PDC00152)

**RECOMMENDATION:**

That By-law 96-138 which appoints building inspectors under the Building Code Act be amended to appoint all building inspectors within the municipalities of Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek as building inspectors for the City of Hamilton.

P. Mason
for L.A. Coveyduck

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Transition Board approval is not required.**

**BACKGROUND:**

Since the amalgamation of the municipalities in the Regional Municipalities of Hamilton-Wentworth began this year there has been a fluctuation in staff complements of the Building Departments. Various staff members and building inspectors have either been promoted, moved to other job positions, or changed employers which is adversely affecting the ability to provide building inspection services.

Under the Ontario Building Code, municipalities are required to perform building inspections for construction undertaken under building permits to ensure that work performed in the field meets the minimum requirements of the Ontario Building Code. It is anticipated that by cross-appointing all building inspectors within the six municipalities of the Region that adequate inspection services can be provided. This initiative is undertaken with full co-operation of all municipalities and in conjunction with the Inter-municipal Co-operation Agreement.

PCL:fd

Bill No. C-060

The Corporation of the City of Hamilton

BY-LAW NO. 00 –

To Amend

By-law No. 96-138

Respecting

**THE APPOINTMENT OF INSPECTORS**

**WHEREAS** subsection 2 of section 3 of Building Code Act provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section "6" is hereby deleted in its entirety and replaced with the following:

6. The following persons are each appointed an Inspector:

Brian Baxter
Don Boyter
Doug Clark
Ron Doucet
William Dupont
Debbie Eydt
Peter Gobbo
Christine Hey
Zoran Kristo
Rick Kuipers
Morris Marsalla
Peter C. Lampman
Tom Redmond
Marianne Brown
Monica Melnick
Robert Morley
Dio Ortiz
Frank Peter
Michael Shepherd
Gail Stevenson
John Thomas
Dana Turnbull
George Wong
Ed VanderWindt
Gerald Bethlehem
Andre Gravelle
Peter Vanderbeek
Len Gray
Steve Warner
Peter J. Hayes
Jeff Kruger
Jay Appell
Henry Dekker
David Silva
Sylvia Bishop
Jorge Caetano
Gary Daly
Nancy Rajher-Drapeau
Ken Edgar
Frank Genovese
Natalie Gould
John Ivezic
Steve Kuczerepa
Wing Lee
Glen McCrory
John W. Lane
Douglas A. Rose
John A. Spolnik
Bryan Moon
Michelle Oproiu
Gene Penko
George Robis
Lisa Simmons
Steve Teal
Michael Verboom
Joe Pizzoferrato
Doug Hardie
Robert Milligan
Ned Mijatovic
Paul Nickerson
Collin Potter
Jack de Roos
Brian Ducharme
Jack Tosta
Bill Olmstead
Rae Greenwood
Donna May Lord

2. In all other respects, By-law No. 96-138 is confirmed in force and effect.

**PASSED** this day of September, A.D. 2000.

Acting Municipal Clerk

Mayor

C-14 (a.)



# MINUTES

## CITY OF HAMILTON
## PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday August 9, 2000**
**9:30 a.m.**
**Room 233, Hamilton City Hall**
**71 Main Street West, Hamilton**

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| | |
|---|---|
| **Present:** | Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly |
| **Also Present:** | Alderman A. Horwath, Alderman D. O'Sullivan, Alderman B. Morelli, Alderman T. Anderson , Alderman C. Collins, J. Bruzzese, L. Coveyduck, P. Mallard, P. Mason, B. Janssen, G. Paparella, C. Floroff, V. Grupe, D. Cumming, E. Switinky, D. Powers,P. Lampman, C. Guthro, H. Milsome, T. Agnello |

Alderman F. D'Amico, Chairperson, called the meeting to order.

**THE FOLLOWING ITEMS WERE RECOMMENDED TO COUNCIL:**

1. **Zoning Application 95-07 and Site Plan Application 95-01 for "Miles Estate" 50 Miles Road (PDC00130)** (item 2.1)

A. (a) That approval be given to Subdivision Application 95-01 (Regional File No. 25T-95002), Stanlow Holdings Ltd., Steinnagel Construction Ltd. and Robert Shelly Construction, owners to establish a draft plan of subdivision "Miles Estates", on lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road in the Broughton West Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:

(i) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated December 17, 1999, showing 1 block for park purposes, 76 lots for single detached dwellings and 29 blocks to be developed with the

adjoining lands for single detached dwellings, and 26 lots for small lot single detached dwellings, 2 blocks being 0.30 m reserves and to establish 6 streets, attached as Appendix "B";

(ii) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;

(iii) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act;

(v) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;

(vi) That the streets be named based on the City of Hamilton reserved street name index to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;

(vii) That the streets be dedicated to the City of Hamilton;

(viii) That the owner agree in writing that Blocks 103 – 131, inclusive, are to be developed in conjunction with the abutting lands shown as Blocks 156 – 158, "Shermal Estates" (Regional file No. 25T-94005);

(ix) That Lots 36, 37 and 38 not be registered until such time as the applicant has submitted a conceptual lotting pattern for the abutting lands to the east of Street "B" and south of the future east-west street, known municipally as 94 – 114 Miles Road, to the satisfaction of the Manager, Development Planning, Community Planning and Development Division. The configuration of Lots 36, 37 and 38 shall comply with the approved conceptual lotting plan;

(x) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(xi) That no portion of these lands is allowed to develop until a suitable storm and sanitary sewer outlet is available to service any portion of

these lands directly;

(xii) That the owner cost share in the preparation of an Environmental Assessment Study to establish a master stormwater management plan for a study area to be determined to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division. The Environmental Assessment Study will address water quality and quantity issues in accordance with recognized best management practises (BMPs) and the Redhill Creek Watershed Study;

(xiii) That prior to final registration of the plan of subdivision, or any construction or grading on the subject property, the proponent shall submit the following plans or reports to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division:

1) plans that show existing and proposed site grades and drainage;

2) detailed stormwater management plans implementing the approved recommendations of the master stormwater management plan; and,

3) erosion and siltation control plans, which show how exposed soils, sediments and eroded materials, will be retained on site during all phases of construction. Plans should include maintenance requirements for all employed devices.

(xiv) That the owner shall agree in the executed subdivision agreement with the City, in wording acceptable to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division:

1) to carry out or cause to carry out the works referred in condition (xiii), to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division; and,

2) To maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order during the construction period, in a manner

satisfactory to the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;

(xv) That the owner dedicate Block 132 to the City of Hamilton for Park purposes under the first phase of development with suitable access by Public Highway to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;

(xvi) That the number of lots be developed shall be restricted until such time as a second watermain feed is available in order to provide looping of the watermain to service this development to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;

(xvii) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access, shall not exceed 100 residential units;

(xviii) That the undesignated Street at the north west limit of the draft plan adjacent to Lot 1 and Block 103 be established to its full width of 20.0 metres with the establishment of Street "B" north of Street "C";

(xix) That 9m radius transitions adjacent to Lots 24 & 25, 29 & 30, 64 & 65, 72 & 73, 93 & 94, and 101 & 102 be established on the final plan of subdivision;

(xx) That a 2m by 2m daylight triangle is required from Lot 46;

(xxi) That the access to Lot 38 be located at the westerly side of the lot;

(xxii) That Street "A" align centreline to centreline with the midblock collector street in "Shermal Estates" draft plan of subdivision;

(xxiii) That the lot depths and dimensions, street locations on Miles Estates plan of subdivision conform to "Shermal Estates' draft plan of subdivision since the alignment of Upper Sherman Avenue has been established on that plan to cross the Hydro Corridor in accordance with Hydro's requirements;

(xxiv) That the radius of the lot line on Street "F" adjacent to Lot 38 not exceed 20m;

(xxv) That access to Blocks 122 and 123 must be located outside of the daylight triangles at the intersection of Street "A" and Upper Sherman Avenue with access onto Street "A" only;

(xxvi) That the owner dedicate a daylight triangle 5m by 5m adjacent to lot 39;

(xxvii) That the development of any portion of these lands must include a street loop system for service vehicles, transit facilities, buses, etc.;

(xxviii) That the owner dedicate a road widening on the final plan sufficient to the Region along Miles Road along Street "G";

(xxix) That the design of the intersection of Street "G" and Miles Road, including the provision of the necessary daylight triangles on the north and south sides of Street "G", be to the satisfaction of the Manager, Development Engineering Section, Land Development Department, Community Planning and Development Division;

(xxx) That Blocks 103 to 131, inclusive, cannot be developed until such time as Upper Sherman Avenue is established and constructed to its full designated Right of Way;

(xxxi) That the owner submit a tree preservation plan to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;

(xxxii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands;

(xxxiii) That the owner satisfy all requirements, financial and otherwise of the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of

Hamilton-Wentworth with respect to this application (SAC-95-01/25T-95002), "Miles Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met.

(c) That the Acting Municiapal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division, of Council's decision;

(d) That upon draft plan approval of Subdivision Application 95-01 "Miles Estates" by the Region of Hamilton-Wentworth, that the road pattern in the approved Broughton West Neighbourhood Plan be revised to reflect the road pattern as shown on the proposed plan of subdivision;

B. That approval be given to amended Zoning Application ZAC-95-07, Stanlow Holdings Ltd., Steinnagel Construction Ltd. and Robert Shelly Construction, owners, for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block 1), from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block 2) and from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks 3 and 4) for lands located south of Rymal Road East and west of Miles Road, known municipally as 50 Miles Road, in the Broughton West East Neighbourhood, as shown on the attached map marked as Appendix"A", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;

(b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(c) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;

(d) That the General Manager, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38E for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**2. Zoning Application 00-15 for 30-40 Margaret Street (PDC00133)** (Item 2.2)

That approval be given to Zoning Application ZAC-00-15, Valvasori Properties (in trust), owner, for changes in zoning from "DE" – 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District (Block 1) and from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District for lands known as 30 – 40 Margaret Street, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That Block "1" be rezoned from "DE" – 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District;

(b) That Block "2" be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District;

(c) That Subsections 3(b), 3(c), 3(d) and 3(e) of Zoning By-law No. 98-116 be deleted in there entirety;

(d) The "D" (Urban Protected Residential – One and Two Family, etc.) District provisions as contained in Section 10 of Zoning By-law 6593, as further amended by By-law 98-116, applicable to Block "2" of that By-law, is amended by deleting "7.50" in Subsection 4(a) Clause (iv), and replacing it with "6.05", so the entire clause reads as follows:

"(iv) 6.05m from the westerly lot line;";

(e) That the "DE" (Low Density Multiple Dwellings) District provisions, as contained in Section 10A of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 and 2, be modified to include the following variances, as special requirements:

(i) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

1) a multiple dwelling containing a maximum of 14 Class A dwelling units within the building at the time of the passing of the by-law;

(ii) That notwithstanding Section 10A.(5) of Zoning By-law No. 6593, a minimum landscaped area unused for access or manoeuvring space

or parking space or for any other purpose other than landscaping area including a playground of 125 $m^2$ shall be provided and maintained in the southerly side yard;

(iii) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 14 parking spaces shall be provided and maintained;

(iv) That notwithstanding Section 18A.(11) of Zoning By-law No. 6593, the boundary of every parking and manoeuvring area shall provide and maintain the following setbacks:

1) not less than 1.5 metres from the easterly limits of Block 1;
2) not less than 0.2 metres from the northerly limits of Block 1;
3) 0.0 metres from the westerly limits of Blocks 1 and 2; and,
4) 0.3 metres from the southerly limits of Block 2;

(v) That notwithstanding Section 2.(2)J.(xb) of Zoning By-law No. 6593, a walkway having a maximum width of 1.2 m and a gazebo shall be permitted within the required landscaped area;

(vi) That notwithstanding Section 18.(4)(iv) of Zoning By-law No. 6593, a gazebo shall be permitted within the southerly side yard;

(f) That the Corporate Counsel be directed and authorized to prepare separate By-laws for the subject lands to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,

(g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1402a, and that the subject lands on Zoning District Maps W-12 be notated as S-1402a;

(h) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Zoning Application 00-08 for 526 Upper Paradise Road (PDC00134)** (Item 2.3)

(a) That approval be given to Zoning Application 00-08, Lynwood Hall Child and Family Centre, owner, requesting a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "1" and "3") and from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "2" and "4"), to permit a childrens' residence, a related childrens'

mental health centre, a 128 bed nursing home and a residential care facility for 172 seniors, for property located at 526 Upper Paradise Road, as shown on the attached map marked as Appendix "D", on the following basis:

(i) That Blocks "1" and "3" be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District;

(ii) That Blocks "2" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District;

(iii) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to Blocks "1", "2", "3" and "4", be modified to include the following variances as special provisions:

1) That notwithstanding Section 10A. (1) of By-law No. 6593, the following uses shall be permitted:

A. A childrens' residence and services for a childrens' mental health centre on Blocks "1" and "2";

B. A nursing home for not more than one hundred twenty-eight (128) residents on Blocks "3" and "4"; and,

C. A senior citizens "residential care facility" for not more than one hundred seventy-two (172) residents on Blocks "3" and "4";

2) That for the purposes of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older;

3) That notwithstanding Section 2.(2)A.(xiiaa), a residential care facility and a nursing home may be combined in the same building;

4) That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire easterly lot line of Block "4" except for the areas used for access driveways;

5) That a minimum 1.8 m wide landscape area shall be provided and maintained along the entire easterly lot line of Block "2" except for the areas used for access driveways;

6) That minimum 1.2 m high and maximum 2.0 m high visual barriers shall be provided and maintained along the entire southerly lot lines of Blocks "3" and "4" and along the entire westerly lot lines of Blocks "1" and "3"; and

7) Section 18A(14g) of Zoning By-law No. 6593 shall not apply to Block "2";

(iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S -1449, and the subject lands on Zoning District Map W-37a be notated S -1449;

(v) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37a, for presentation to City Council;

(vi) That these proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;

(b) That the implementing By-law not be presented to City Council for adoption until such time as the applicant and/or land owner has obtained a private/public servicing easement over the adjacent lands, to the satisfaction of the Director, Land Development Division;

(c) That the Site Plan Control Application be approved on the basis of the following noise abatement measures: all construction is brick veneer; double glazing with air conditioned interior spaces; and, exterior amenity areas shall be in the courtyards or shall comply with the Ministry of Environment requirements; and,

(d) That approval of the zoning change be conditional upon:

(i) traffic concerns being addressed,
(ii) drainage concerns being addressed,
(iii) children's safety concerns being addressed, and,
(iv) a tree preservation plan being implemented.

4. **Heritage Conservation District, (Nos. 869-1019 and 870-1064 Beach Boulevard, excluding 913 Beach Boulevard; including 2 Fourth Avenue) – Designation (PDC00125)** (Item 2.4.1)

(a) That the City Council adopt the "Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change," prepared by Archaeological Services Inc., Wendy Shearer Landscape Architect Limited, and Sinisa Tomich Urban Designer, July, 2000, with the recommendations related to front yard setbacks on the bay side of the Beach as modified;

(b) That City Council give approval to designate by by-law the Hamilton Beach Heritage Conservation District under Part V of the Ontario Heritage Act; and,

(c) That the recommendations and implementation strategies contained in the "Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change", be undertaken by the appropriate departments and agencies.

5. **City Initiative 00-D for 869-1019 and 870 – 1064 Beach Boulevard – further Modification in Zoning (PDC00124)** (Item 2.4.2)

That approval be given to City Initiative 00-D, for further modifications to the "C" (Urban Protected Residential) District regulations, to establish a maximum front yard setback for the dwellings and garage/carport and to reduce the maximum height limitations on buildings and structures, for the lands located between Nos. 869-1019 and 870-1064 Beach Boulevard, as shown on the attached map marked as Appendix"E", on the following basis:

(a) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands located between Nos. 869-1019 and 870-1064 Beach Boulevard, as shown on the attached map marked as Appendix "E", be further modified to include the following variances as special requirements:

(i) That notwithstanding Section 9(2) of Zoning By-law No. 6593, no building shall exceed 2 storeys and no structure shall exceed 9.0m, in height and;

(ii) That notwithstanding Section 9(3)(i) of Zoning By-law No. 6593, the maximum front yard depth for the dwelling shall not exceed 12 m;

(iii) for a dwelling with a carport or attached or detached garage, then the following provisions shall apply:

1) that notwithstanding any other provision of this by-law or Zoning By-law No. 6593, the front wall of the carport or garage shall be a located a minimum of 1.5m behind the main wall of the dwelling and in every case have a front yard depth of not less than 7.5m;

(iv) That Sections 18(2)(i) and 18(3)(iii) of Zoning By-law No. 6593 shall not apply;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1435a and 1436a, and that the subject lands on Zoning District Maps E-80e, and E-80f be notated S-1435a and 1436a;

(c) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80e and E-80f for presentation to City Council; and,

(d) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

6. **Demolition of 12-14 Brantdale Avenue (PDC00127)** (Item 4.1)

That the Acting Director of Building be authorized to issue a demolition permit for 12-14 Brantdale Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

7. **Demolition of 1007 Upper James Street (PDC00128)** (item 4.2)

That the Acting Director of Building be authorized to issue a demolition permit for 1007 Upper James Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

8. **Demolition of 1472 Upper Gage Avenue (PDC00129)** (item 4.3)

That the Acting Director of Building be authorized to issue a demolition permit for 1472 Upper Gage Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

9. **Hamilton Emergency Loan Program, 157 Mead Avenue (HSB00012)** (Item 4.4)

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, eight hundred dollars ($1,800) be approved for Joan West, 157 Mead Avenue. The interest rate will be 2 per cent amortized over 5 years.

10. **Core Heritage 2000 Program, 197-199 King William Street (HSB00013)** (Item 4.5)

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of thirty-one thousand dollars ($31,000) to Ferguson Station Inc., registered owner of 197-199 King William Street, be approved.

11. **Revision to Council resolution regarding Zoning Application 99-36, lands South of Chedmac Drive and East of Magnolia Drive (PDC00116A)** (Item 4.6)

That Item 1.F. of the Twelfth Report of the Planning and Development Committee, as adopted by City Council on June 27, 2000, be amended to delete Subsection F.(k) be deleted in its entirety and replaced with the following:

"F.(k) That Block "14" be rezoned from "RT-20" – 'H'.(Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District."

12. **Stinson Street School, 180 Grant Avenue – Heritage Permit for Exterior Alterations to 1915 Addition (PDC00131)** (Item 4.7)

That a Heritage Permit be approved for the following alterations to the 1915 rear building of Stinson Street School:

(a) Removal of the four exterior cloakroom staircases on the north, south, east and west facades; reconstruction of the foundation walls with rusticated stone ashlar to match existing; and,

(b) Conversion of four original doorways to windows; new windows will be identical to the new insulating glass sash replacement windows to replace all of the existing original wood sash windows (window replacement to be undertaken in 2001, subject to approval of a separate Heritage permit.

13. **Proposed Draft Plan of Condominium Conversion – No. 285 King Street West (CDM-CONV-00-03) – (PDC00132)** (item 5.2)

(a) That approval be granted to application CDM-CONV-00-03 (Regional File 25CDM-2001) submitted by 1165555 Ontario Inc. (Dan Gaskin), owner, for a draft plan of condominium for the property located at No. 285 King Street West, as shown on the attached plan marked as Appendix "F", to provide for a condominium comprised of 27 apartment units (24 conversion and 3 new), subject to the following conditions:

(i) That this approval applies to the attached draft plan dated October 3, 1999 (Appendix "G") prepared and certified by Edward Barich, Ontario Land Surveyor.

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to Corporate Counsel.

(iii) That prior to approval of the final plan the property taxes shall be in good standing and the draft plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan.

(b) That the Acting Municipal Clerk be directed to advise the Director of the Land Development Department of the Community Planning and Development Division of Council's decision.

14. **Bills:**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-043 A By-law to Amend Site Plan Control By-law No. 99-171 respecting lands located east (Lake Side) and west (Bay Side) of Beach Boulevard, in the Beach Neighbourhood.

(b) C-044 A By-law to Remove Land within the "Parkway Manor Phase 1" Subdivision, Plan 62M-907 from Part Lot Control.

(c) C-045 A By-law to Remove Land within the "Parkway Manor Phase 1" Subdivision, Plan 62M-907 from Part Lot Control.

(d) C-046 A By-law to Remove Land within the "Wellington Estates, Phase 2" Subdivision, Plan 62M-905 from Part Lot Control.

(e) C-047 A By-law to Extend By-law No. 99-113 respecting Land within the "Bow Valley Estates" Subdivision, Plan 62M-875 from Part Lot Control.

(f) C-048 A By-law to Amend Zoning By-law 6593 respecting lands located west of Hawkswood Trail, south of Falconridge Drive and east of the Hamilton City Limits.

(g) C-049 A By-law to Amend Zoning By-law No. 6593 respecting lands located at Municipal No. 544 Limeridge Road East.

(h) C-050 A By-law to Designate as a Heritage Conservation District the area of the Hamilton Beach Neighbourhood comprised of 869 to 1019 Beach Boulevard (lake side) and 870 to 1064 Beach Boulevard (bay side) excluding 913 Beach Boulevard including 2 Fourth Avenue.

(i) C-051 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws No. 99-169 and 99-170 respecting lands located at Municipal Nos. 869-1019 and 870-1064 Beach Boulevard.

(j) C-052 A By-law to Adopt Official Plan Amendment No. 166 respecting lands located south of Chedmac Drive and east of Magnolia Drive (Scenic South Subdivision) within the Mountview Neighbourhood.

(k) C-053 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws Nos. 96-152 and 99-153 respecting lands located South of Chedmac Drive and East of Magnolia Drive.

(l) C-054 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws No. 98-116 respecting lands located at Municipal Nos. 30-36 Margaret Street.

(m) C-055 A By-law to Confirm the Proceedings of the Corporation of the City of Hamilton.

**THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND /OR NOTED:**

(a) **Declarations of Interest** (Item 1)

None declared.

(b) **Adoption of Minutes – June 21, 2000** (Item 3.1)

The Minutes of the meeting held June 21, 2000 were adopted.

(c) **Zoning Application 95-07 and Site Plan Application 95-01 for "Miles Estate" 50 Miles Road (PDC00130)** (item 2.1)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the report before the Committee. He advised that the parkland dedication is 7.5 percent whereas the required dedication is 5 percent; therefore there may be a financial adjustment in the future. Of 44 notices circulated, 3 replied in favour and 3 opposed.

He noted a friendly amendment to subsection (xii) of the report dated July 21, 2000.

The Proponent and Al Fletcher of A.J. Clarke and Associates were present.

No one from the public was present to speak.

The recommendation of the General Manager, Community Planning and Development Division was approved as amended in subsection (xii).

(d) **Zoning Application 00-15 for 30-40 Margaret Street (PDC00133)** (Item 2.2)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the Planning report. He added that a request for a reduction in the rear yard setback by the applicant is not reflected in the recommendation and as such the recommendation should

be amended. Of 132 notices circulated 4 replied in favour and 2 were opposed.

Michael Valvasori, principal and Serge Manchia of Planning Initiatives were present.

Mr. Manchia advised that the proposal is an adaptive re-use which will enhance the property. The applicant has acquired additional land that will be used as green space. The building will have no balconies.

Daniel Beaudoin of 28 Margaret Street was present. he was concerned mainly with the fact that the edge of the property in question would be 7 inches from the rear of his property and this may pose problems . he suggested a galvanised steel fence in this location so that cars will not run beyond the fence line. He suggested a setback of at least 1 2/2 feet. He requested low-density lighting in the parking lot. He was also concerned with the lack of street parking. He prefers the units to be owner occupied and not rented.

In response to a question from Mr. Beaudoin, Sergio Manchia advised that the dumpsters would be located in the patio area.

Carolyn Taylor of 37 Strathcona Avenue South was present. She stated that she has concerns regarding garbage. She prefers that no fence be erected behind the tiny tots area because it will block the alleyway. She also prefers the units be owner occupied and not rented.

Armand Chartrand of 42 Margaret Street was concerned with the separation between the proposed property and his property to which Mr. Valvasori stated that the wall will be bricked, stuccoed or wood sided.

In response to the concerns Sergio Manchia advised as follows:

- there will be 14 parking spaces on site
- there will be 2 visitors parking spots in front of tiny tots
- lighting in the parking lot will be low projection
- the rear buffer will be 1.5 metres
- the barrier will be dealt with at the site plan stage
- the edge of the parking lot against the fence will be curbed to prevent cars from backing into the fence
- regarding 37 Strathcona, there will be no proposed fencing along the alleyway.

Alderman Caplan suggested that a neighbourhood meeting be held prior to

the site plan being finalized to address residents concerns. Alderman Kiss concurred and asked to be included in this.

Alderman Copps felt that this is an over-intensification of use. And that the rear yard setback should not be 7 inches.

The report of the General Manager, Community Planning and Development Division dated July 24, 200 was approved as amended.

(e) **Zoning Application 00-08 for 526 Upper Paradise Road (PDC00134)** (Item 2.3)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Ed Fothergill, Planning consultant, Alex Thompson, executive director of Lynwood hall and Ed Charles, Nick Zaffiro, Charles Macaluso and others form the sons of Italy were present in support of the application.

Paul Mallard gave a brief overview of the planning report. He advised that this an appropriate re-use of the subject lands. He also advised that the implementing bylaw not be forwarded until the necessary private/public agreements are obtained. Of 230 notices circulated, 9 replied in favour and 12 opposed.

Mr. Thompson gave a history of the Lynwood Hall. He advised that it is the only centre that services children with mental health problems between the ages of 6 and 18. The new facility will not be an expansion but a new modern facility.

Mr. Fothergill advised that the architecture is sensitive to the surrounding residential areas and as such the building is 2 stories in height at upper paradise, 3 stories facing the rear where the townhouses are located and there are no buildings facing the single home area to the side. He explained the public meeting process carried out by the proponents. He distributed a copy of the information packages to the Committee. He advised that a severance application has been submitted.

Mr. Charles gave a history of the Sons of Italy in Hamilton. He stated that at present the group supports active charitable fundraising and has built approximately 30 million dollars of non-profit housing i9n the Hamilton area.

A home for seniors of Italian descent named "Villa Italia" will be built on the property to be purchased from Lynwood Hall.

Margaret Smallbone of 171 Appleford Court was present and raised concerns about the poor drainage in the area that causes flooding as well as the traffic and congestion on the streets which would cause a hazard to the schoolchildren. She was also concerned that willow trees would be destroyed.

Danielle Marchese of 4 Lunner Avenue was present. She distributed a submission to the Committee. She raised concerns regarding the following:

- Water drainage and flooding
- Water contamination
- Traffic congestion and children's safety
- Co-shared play area
- Air and waste pollution

She requested an updated study to the Phase 1 environmental Assessment study conducted in 1997.

Mrs D'Sousa of 535 Upper Paradise Road was concerned with congestion and traffic in front of her home.

Mr. Fotehrgill suggested that many of the concerns can be resolved at the site plan stage. He explained that the water will be stored on parling lots, driveways and landscaped areas and drained slowly through the system.

After discussion by the Committee members the recommendation of the General Manager, Community Planning and Development Division, dated July 21, 200 was approved as amended to add subsection (d) as follows:

"(d) That approval of the zoning change be conditional upon:

(i) traffic concerns being addressed,
(ii) drainage concerns being addressed,
(iii) children's safety concerns being addressed, and,
(iv) a tree preservation plan being implemented."

* Alderman Copps opposed to the main motion.

(f) **Heritage Conservation District, (Nos. 869-1019 and 870-1064 Beach Boulevard, excluding 913 Beach Boulevard; including 2 Fourth Avenue) – Designation (PDC00125)** (Item 2.4.1) (not a public meeting)

David Cuming, Heritage consultant, gave a brief presentation of the report. He explained the public consultation process to the Committee including public meetings phone calls, personal interviews, letters and questionnaires. There is a concern that new development be compatible with the existing structures.

(g) **City Initiative 00-D for 869-1019 and 870 – 1064 Beach Boulevard – further Modification in Zoning (PDC00124)** (Item 2.4.2)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Vanessa Grupe gave a brief overview of the report.

Blanche Micheau of 1049 Beach Boulevard as concerned with possible loss of parking spaces. She would like to retain her sideyard.

(h) **Information Items** (Item 4.8)

The Committee resolved that the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

(i) Acting Commissioner, Department of Public Works and Traffic re: Conceptual Plan-Ferguson Avenue South between Main Street East and King Street East (PWT00137), dated July 20, 2000.

(ii) General Manager, Community Planning and Development Division re: Draft Site Plan (Project Review) Process for Eastport (Piers 25,26 and 27) (PDC00137), dated August 1, 2000.

Alderman Charters suggested that if any Committee member has concerns regarding this item that they be addressed.

(i) **Proposed Draft Plan of Condominium Conversion – No. 285 King**

**Street West (CDM-CONV-00-03) – (PDC00132)** (item 5.2)

Alderman Horwath questioned if the policy benchmark is 2%. Following brief discussion the Lee Ann Coveyduck advised that the benchmark is 2% but that in this individual case the project was of a small scale and staff felt housing stock would not be affected.

(i) **Downtown Community Improvement Plan Amendment (PDC00138)** (added item)

The Committee approved the following recommendation from the General Manager, Community Planning and Development Division dated August 4, 2000:

That the Planning and Development Committee convene a public meeting to receive citizen input on the possible expansion of the Downtown Hamilton Community Improvement Plan (C.I.P.) as required under the Planning Act.

(j) **Wesley Centre- 195 Ferguson Avenue North (PD99088G)** (Private and Confidential Item)

The Committee adjourned in closed session to deal with a litigation matter and reconvened immediately thereafter and resolved as follows:

(i) That the Staff of the Legal Services Department be authorized to participate in discussions with Meridian Co-operative Homes, Wesley Urban Ministries and other interested parties with a view to reaching a compromise position concerning the Ontario Municipal Board conditions, as identified in the decisions dated February 15, 1999 and April 26, 2000.

(ii) That staff report back to the Planning and Development Committee at the meeting scheduled for September 20, 2000.

(k) **OTHER BUSINESS**

(i) As recommended by Alderman Caplan the Committee resolved as follows:

That Building Department Staff be authorized and directed to initiate proactive enforcement of Property Standards, Zoning By-laws and other maintenance By-laws in the McMaster University Area for the first 3 weeks of September 2000."

(ii) As recommended by Alderman Caplan the Committee resolved as follows:

That Building Department Staff be authorized and directed to seek outside services in order to provide inspection services for various loan programs. Funding to be provided within the department's existing budget.

(iii) As recommended by Mayor Morrow the Committee resolved as follows:

That the decision of the Planning and Development Committee at its meeting held on May 24, 2000 (item (i) of matters not requiring Council approval) in approving Site Plan Application DA-99-60, a proposed Tim Horton's Restaurant, including parking and a drive-thru, at 30 Queenston Road, Hamilton, be amended to provide that:

1. for that portion of the proposed development to be located upon land owned by Hydro One Networks Inc., that Hydro One not be required to assume the obligations of land owner and that in their place, Hydro One agree with the City that the TDL Group Ltd. may install the required site plan works and that the City may enter the property to enforce the Site Plan Agreement; and,

2. for that portion of the proposed development to be located upon land owned by 891157 Ontario Inc., that the City shall also require The TDL Group Ltd, which is the lessee of this property and the licensee of Hydro One Networks Inc.'s property, to join in the said site plan agreement to provide its covenant to the City that the approved site plans for both properties shall be installed and maintained as required, as long as The TDL Group Ltd. is the lessee and licensee of the said properties.

3. The said provisions be prepared in a form satisfactory to the Director, Land Development and to Corporate Counsel.

(iv) As recommended by Alderman Horwath the Committee resolved as follows:

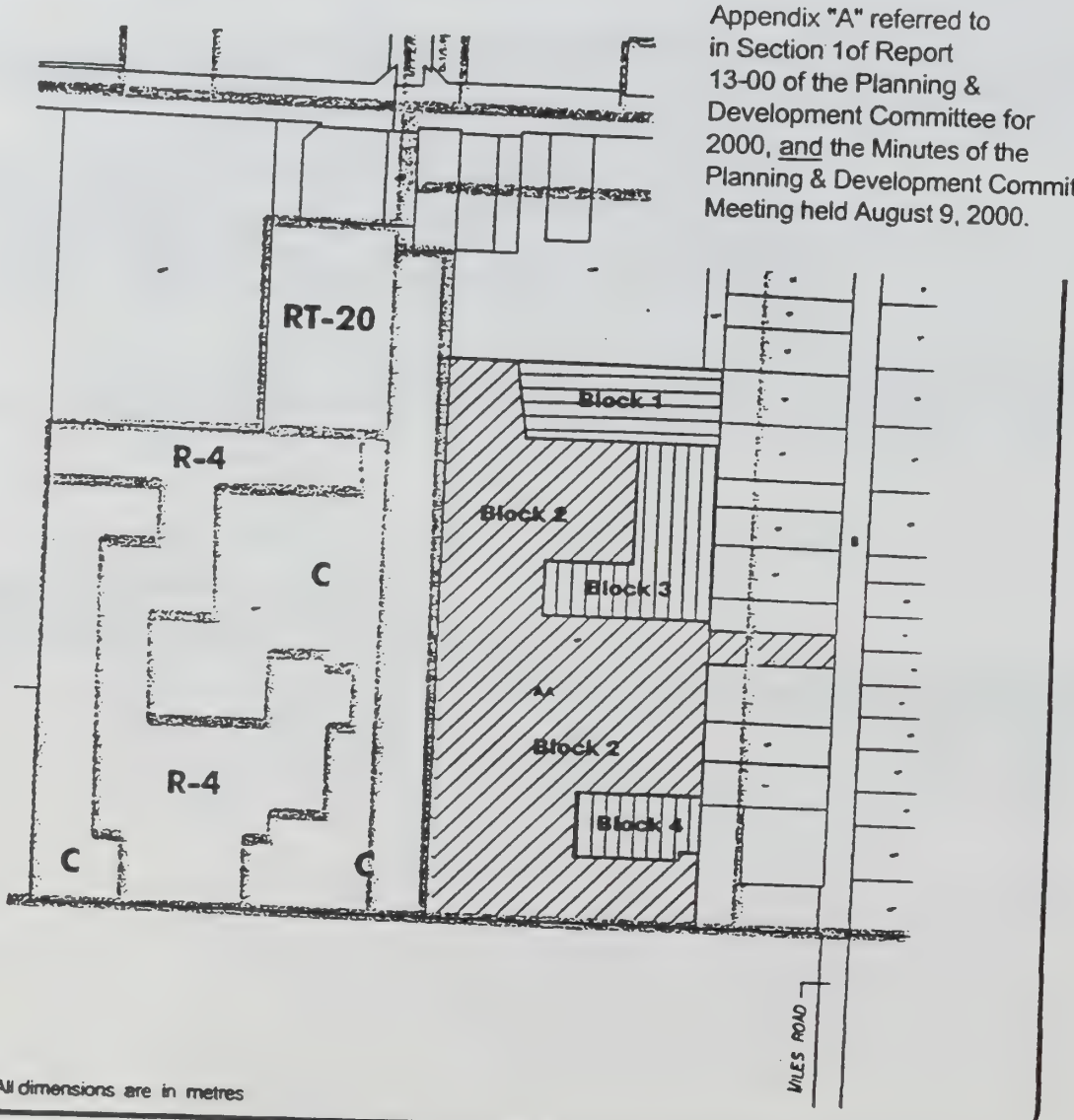
That the staff of the Community Planning and Development Division take appropriate initiates to update inconsistencies in planning documents as they relate to the Northend Harbourfront re-development of industrial lands intended to be used for residential purposes.

Note: The meeting of the Planning and Development Committee adjourned at 12:40 p.m.

**Alderman F. D'Amico, Chairperson**
**Planning and Development Committee**

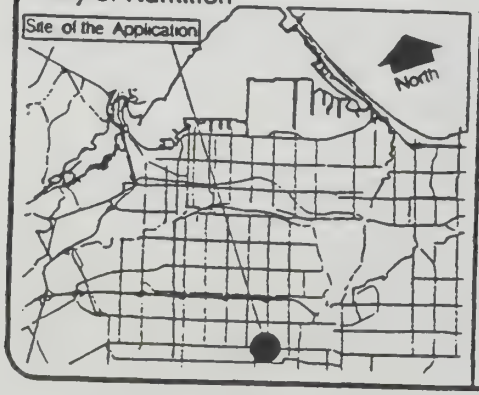
**Tina Agnello, Legislative Assistant**
**August 9, 2000**

Appendix "A" referred to in Section 1of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.




NOTE: All dimensions are in metres

City of Hamilton




Community Planning and Development Division

# Location Map

**Legend**

**Block 1** from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District

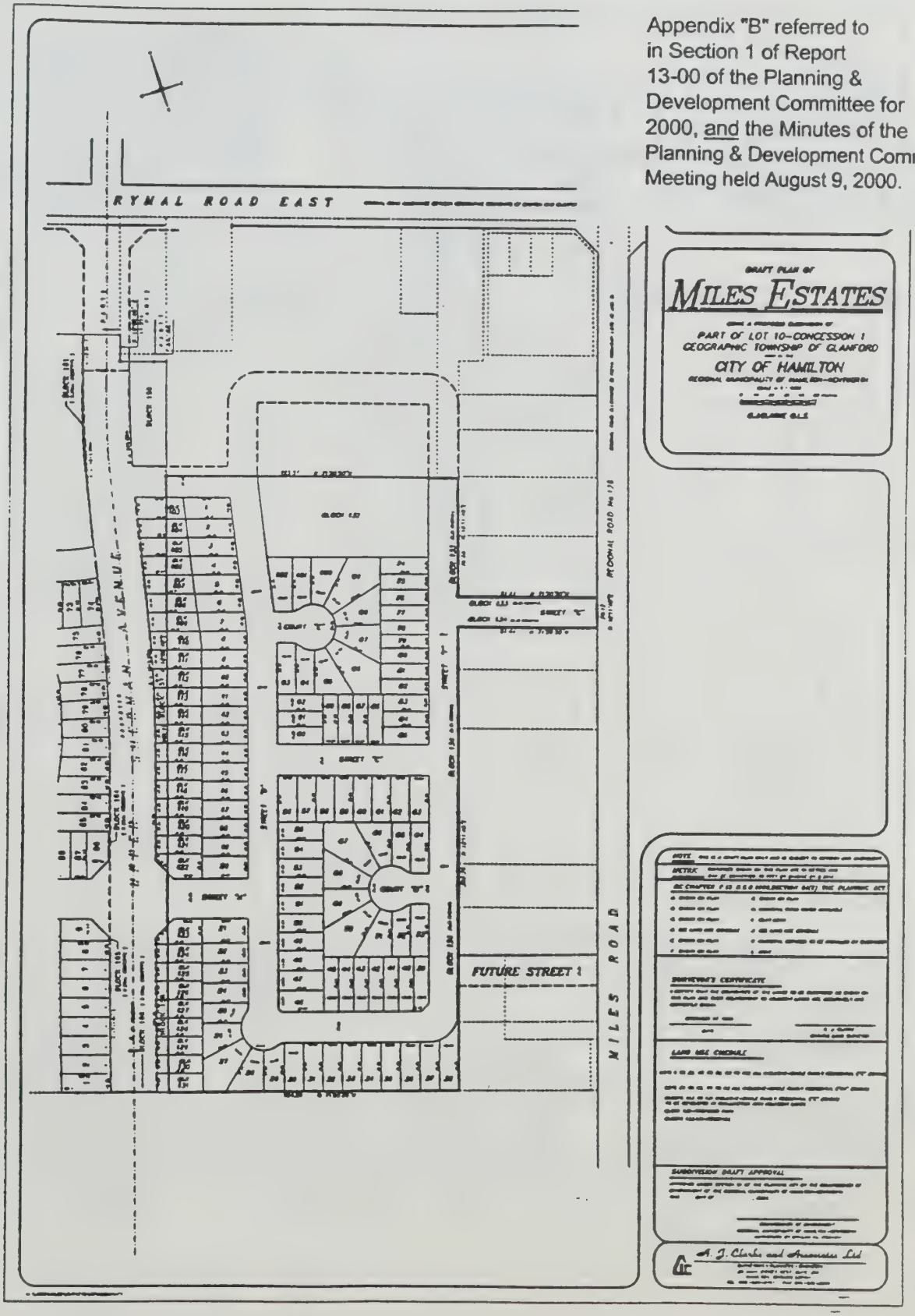
**Block 2** from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

**Blocks 3 and 4** from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District

| | |
|---|---|
| Reference File No. | ZA-95-07 |
| Scale | NOT TO SCALE |
| Date | July 07 , 2000 |
| Drawn By | j.s |

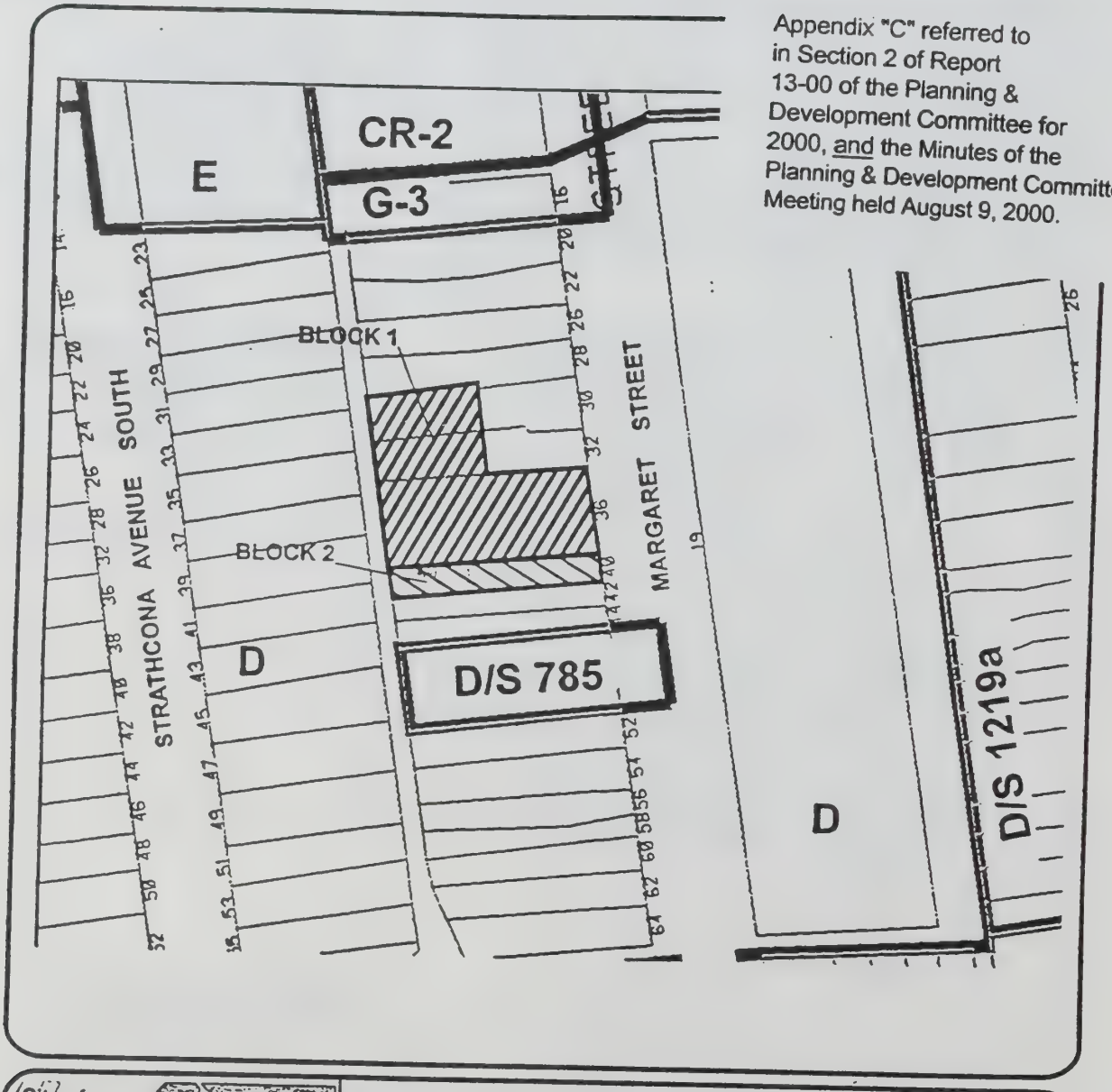
**APPENDIX "A"**

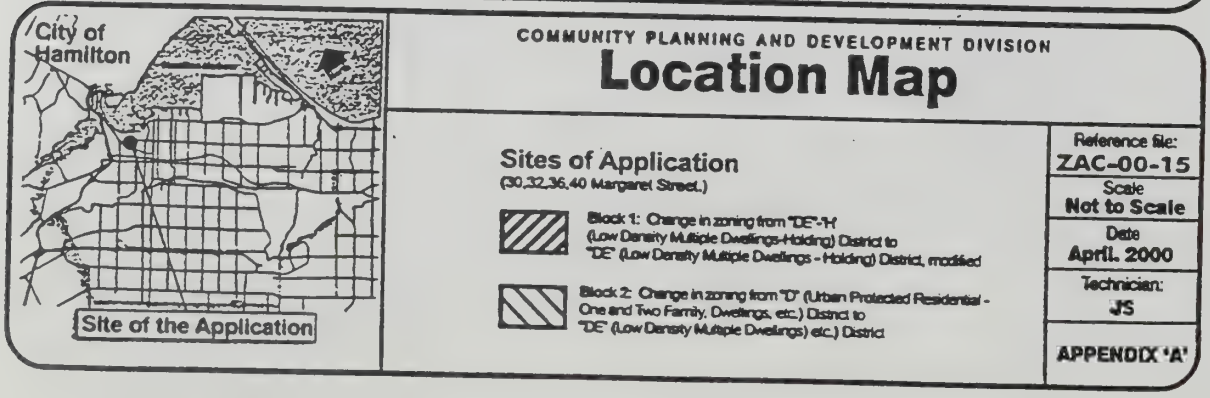
Appendix "B" referred to in Section 1 of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.



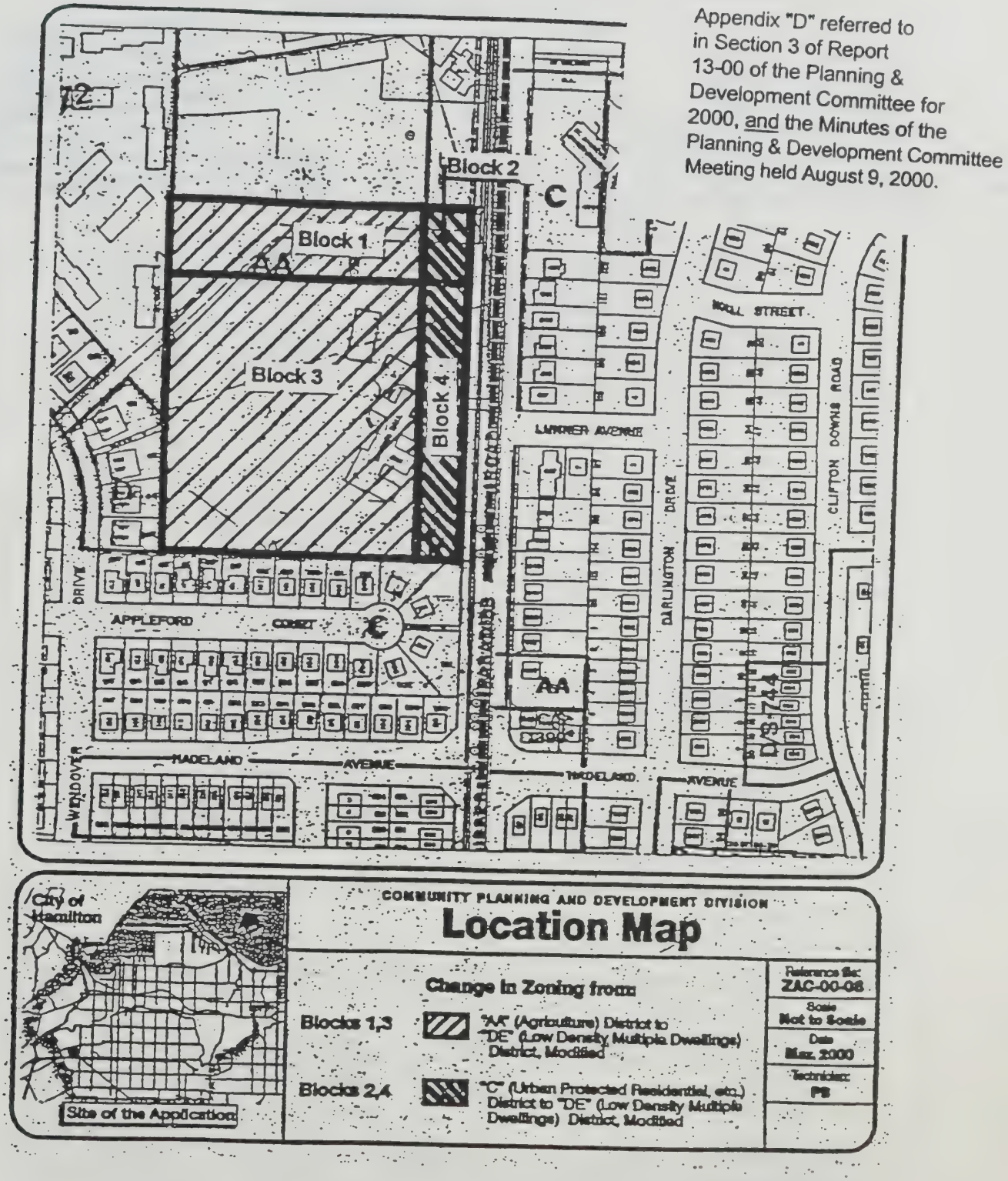

APPENDIX "B"

Appendix "C" referred to in Section 2 of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.



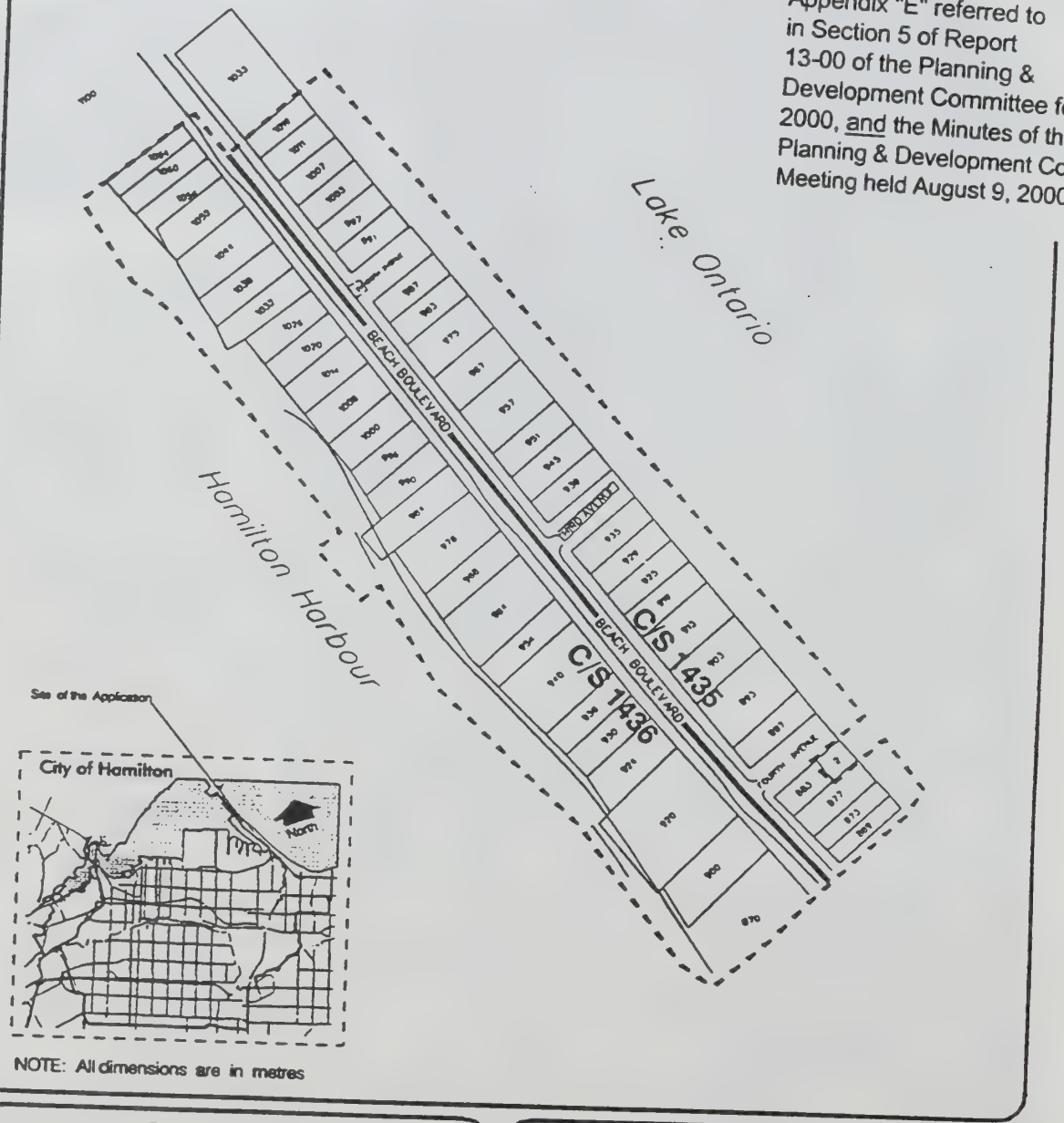



Appendix "D" referred to in Section 3 of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.




APPENDIX " "

Appendix "E" referred to in Section 5 of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.




City of Hamilton

# Key Map

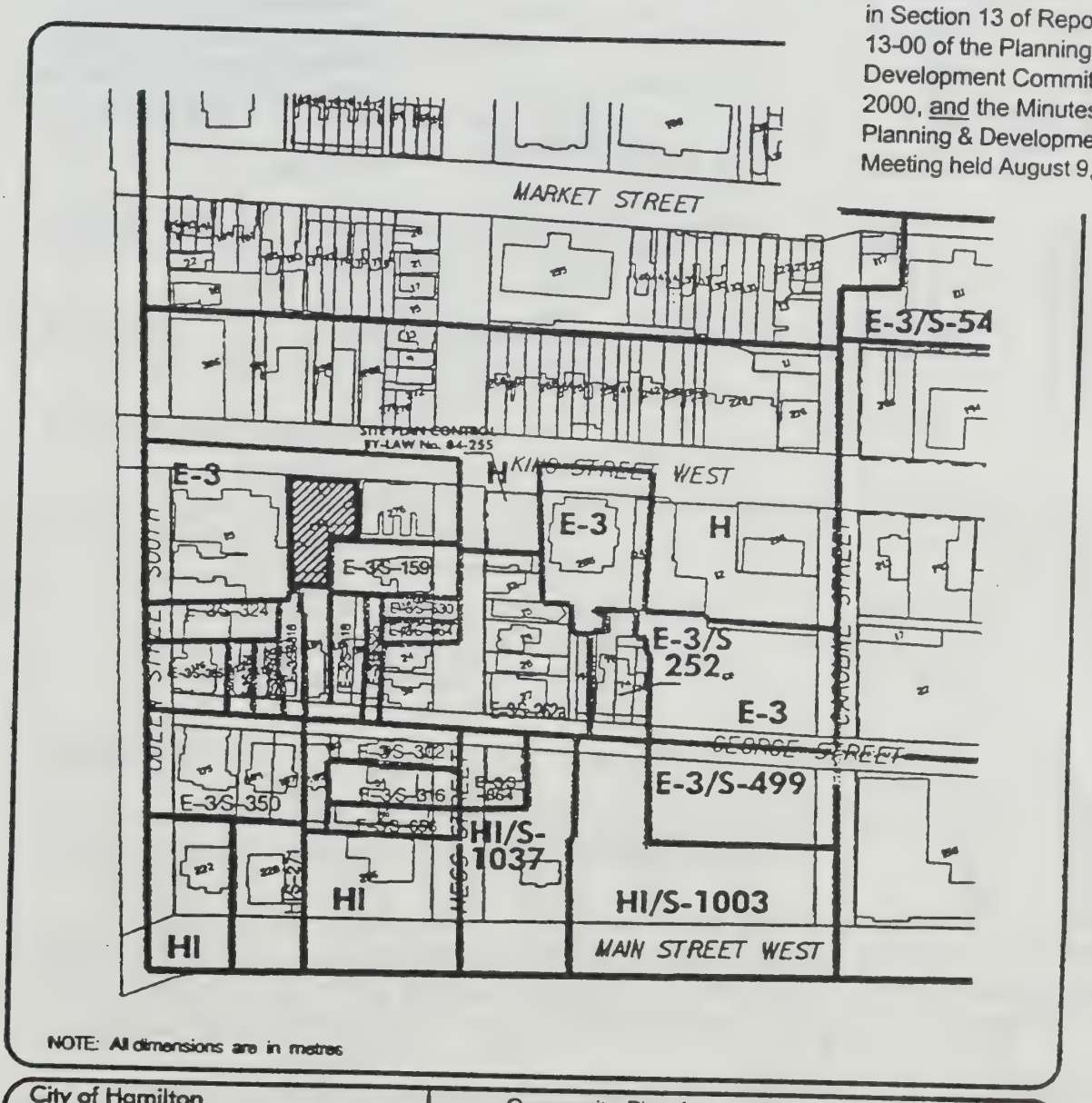
Community Planning and Development Division

**Legend**

Further modification to the "C" (Urban Protected Residential, etc) District regulations.

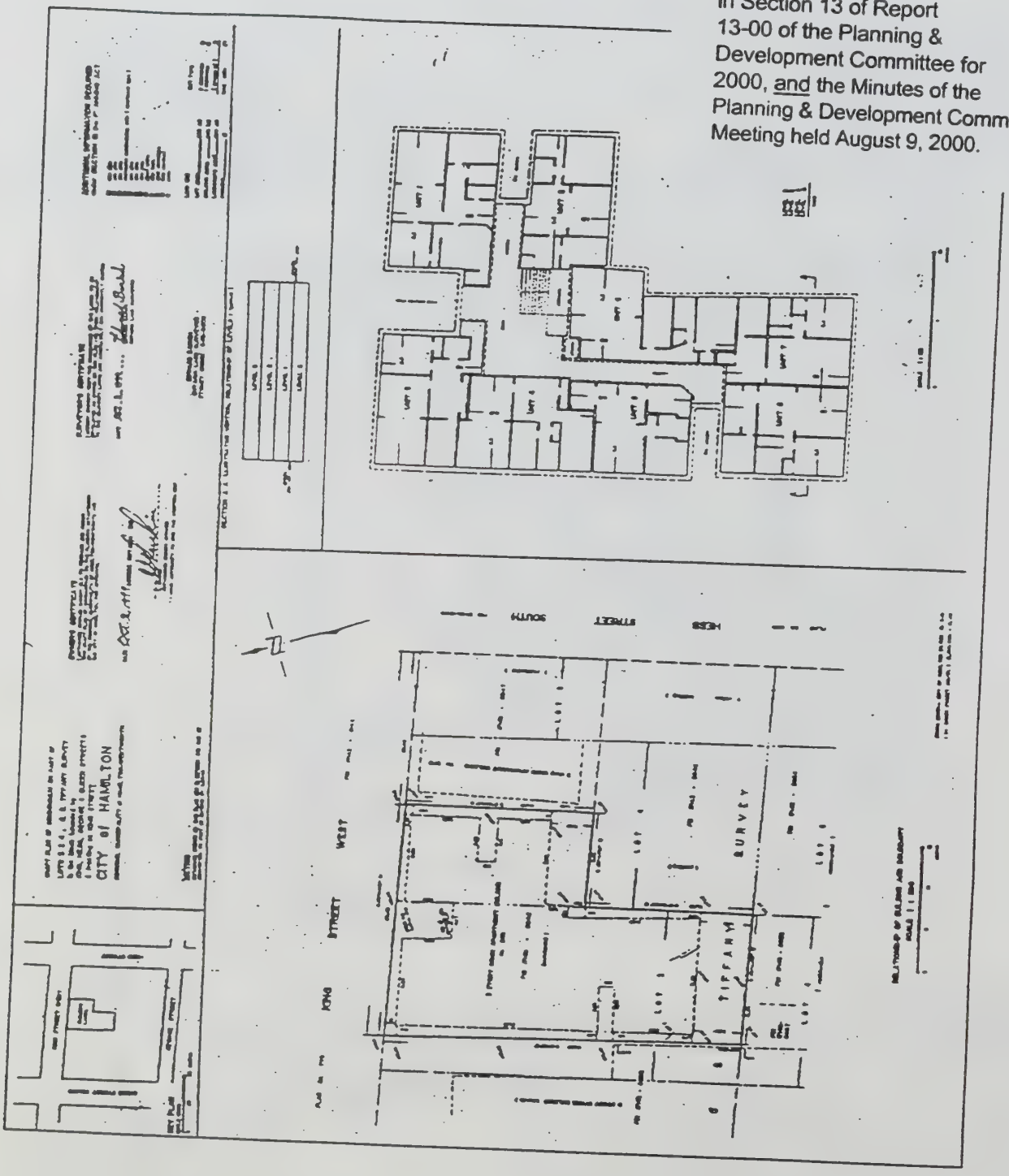
| North | Scale | Reference File No. |
|---|---|---|
| | NOT TO SCALE | CI-00-D |
| | Date | Drawn By |
| | July, 2000 | J.S |

Appendix "F" referred to in Section 13 of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.




APPENDIX " "

Appendix "G" referred to in Section 13 of Report 13-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held August 9, 2000.




APPENDIX "G"

D-1

# CITY OF HAMILTON

# RECOMMENDATION

**DATE:** August 29, 2000

**REPORT TO:** Chairman and Members
City Committee of the Whole

**FROM:** City of Hamilton, Mayor's Report
Millennium Committee

**Subject:** Additional Millennium Projects Allocated for Funding

**RECOMMENDATION:**

That the following organizations and events be approved for funding from the City of Hamilton Millennium Program:

| | |
|---|---|
| a) The Hamilton-Wentworth Interfaith Group | $ 4,000.00 |
| b) ABC Magic Bantam Boys Basketball | $ 1,500.00 |
| c) Commemorative Wall | $ 3,000.00 |

**BACKGROUND:**

City Council at its meeting held Tuesday, January 25, 2000 approved Section 1 of Report 01-00 – Mayor's Report – as herewith attached.

An upset limit of $167,000.00 was approved by City Council of which $152,930.00 has been allocated and disbursed to various community projects. (See Appendix B). The further allocation of $8,500.00 to the three projects mentioned above will bring the total funds remaining to be allocated at $5,570.00

The Hamilton-Wentworth Interfaith Group formed in the spring of 1994 following an inter-faith gathering sponsored by the Hamilton Mundialization Committee. The Interfaith Group works towards affirming the importance of the spiritual dimension of life and actively demonstrates respect for all spiritual paths.

For the year 2000, activities include bringing local faith leaders together to expand on inter-faith dialogue. An inter-faith tree planting event, which will involve elementary and high school students of all faiths and developing resource materials which can be used by groups and other members of the community are part of the group's focus. This group is also participating in fundraising efforts

with the various faith groups in the community to raise the balance of the money needed for their projects.

The ABC Magic Basketball Club recently won the Ontario AAA Bantam Boys Basketball Championship and was invited to participate in a tournament in P.E.I. that was attended by 6 other provincial teams. The team is comprised of boys from Hamilton, Ancaster and Dundas. The tournament took place in July 2000 and the team came home with a bronze medal.

The Commemorative Wall will celebrate the history of Hamilton's City Councils that includes sixteen decades of members of Town and/or City. This wall will be unveiled at the last City Council meeting in December, 2000 with a commemorative book both for the public to view. The wall will comprise of names of all previous Council members and be located in City Hall.

If you require information about these projects, contact Terry Whitehead x2790 or Shelley Merlo-Orzel x4646.

c.c. A.C. Ross, General Manager, Finance
Susan Reeder, Secretary, Finance and Administration Committee

1900-05C

# Office of the Municipal Clerk
# Memorandum

**TO:** Shelley Merlo-Orzel
Community Services Division

**FROM:** Susan K. Reeder
Legislative Assistant
Office of the Municipal Clerk

**PHONE:** 905-546-2753

**DATE:** 2000 January 26

**SUBJECT:** Millennium Projects and Funding - Main Street 2000 and Matching Funds

This will confirm that City Council at its meeting held Tuesday, January 25, 2000 approved Section 1 of Report 01-00 - Mayor's Report - as herewith attached.

Trusting that this confirmation is of assistance to you in taking the appropriate action.

Attachment

Cc A. Ross, General Manager, Finance
T. Whitehead, Executive Assistant to the Mayor

Comm file

# REPORT

## CITY OF HAMILTON
## MAYOR'S REPORT

## Report 01-00 TO CITY COUNCIL

**Wednesday, December 22, 1999**
**2:00 p.m.**
**Mayor's Office, Hamilton City Hall**
**71 Main Street West, Hamilton**

---

| | |
|---|---|
| **Present:** | Mayor R. Morrow (Chairman), Alderman D. Wilson, Alderman F. D'Amico, Alderman C. Collins |
| **Regrets:** | Alderman T. Anderson, Alderman B. Morelli |
| **Also Present:** | S. Merlo-Orzel, T. Whitehead |

Mayor R. Morrow, Chairman called the meeting to order.

**YOUR MILLENNIUM COMMITTEE PRESENTS REPORT 01-00 AND RESPECTFULLY RECOMMENDS:**

1. **Millennium Projects and Funding - Main Street 2000 and Matching Funds** (Item 2)

   (a) That the organizations and events as outlined on the Appendix attached herewith and marked Appendix "A", be recommended to the Province of Ontario to receive funding under the Main Street 2000 Millennium Grant program to an upset limit of $167,000.00 subject to Provincial approval; and

   (b) That the organizations and events as outlined on the Appendix attached herewith and marked Appendix " B" be approved for funding from the City of Hamilton Millennium Program representing matched funding to the Provincial program as approved by City Council on November 24, 25 1999 during current budget deliberations and financed as a one-time item from the Reserve for Tax Stabilization.

**FOR THE INFORMATION OF CITY COUNCIL:**

(a) **Declarations of Interest** (Item 1)

None declared

Note: The meeting of the Millennium Committee adjourned at 2:45 p.m.

**Respectfully submitted,**

**Mayor Robert M. Morrow, Chairman**
**Millennium Committee**

**S. Merlo-Orzel**
**Events/Promotions Officer**
**Culture and Recreation Department**
**December 22, 1999**

APPENDIX B



| Name of Organization | Amount of request | Amount Recommended | Comments |
|---|---|---|---|
| City of Hamilton/Culture and Recreation<br>Attention: Marilynn Havelka | 25,000.00 | $15,000.00 | Permanent outdoor exhibit if Hamilton's Industrial Herita<br>These exhibits will take advantage of existing walkways<br>gathering places in the City. |
| Vera Papadopoulos, Chairperson<br>153 Sherman Ave. South<br>Hamilton, ON L8M 2R1 | $15,000.00 | $7,500.00 | To design an ornamental garden on the south west corn<br>City Hall grounds where an historical plaque honoring th<br>of His All Holiness Ecumenical Patriach Bartholomew 1 |
| City of Hamilton<br>Attention: Coralee Secore<br>Sport Tourism Conference | $23,750.00 | $13,750.00 | Strategies and an action plan in developing a sport touris<br>community level. |
| Roman Catholic Diocese of Hamilton<br>Attention: Ed Krupica<br>700 King Street West<br>Hamilton, ON L8P 1C7 | $30,000.00 | $30,000.00 | To commemorate 2000 years of Christianity within our co<br>theatrical presentation |
| Argyll and Sutherland | $5,000.00 | $5,000.00 | Year 2000 trip to Edinburgh (Tattoo) |
| Twin Cities/City of Hamilton | $20,000.00 | $20,000.00 | Millennium City Video Camp with Twin Cities (Youth Proje |
| Hamilton Olympic Club<br>Attention: Bill Urie<br>P.O. Box 5704 Jackson Square<br>Hamilton, ON L8P 4X1 | $5,000.00 | $5,000.00 | The History of Athletes in Hamilton video will showcase.<br>the many successes of the individuals and organizations t<br>been a part if Hamilton's distinguished track and field histo |
| Golden Age of Variety Show<br>Attention: Mary Low Weir<br>75 McNab Street South<br>Hamilton, ON L8P 3C1 | $7,680.00 | $7,680.00 | A variety show featuring over 150 performers focusing on "<br>Uniting" three and four generation acts |
| Hamilton Children's Choir<br>Attention: Marta Stiteler-Simon<br>252 James Street North<br>Hamilton, ON L8R 2L3 | $5,000.00 | $5,000.00 | To celebrate 25 years by featuring an evening of original Ca<br>music and showcasing the talents of Canadian performers |

| | | | |
|---|---|---|---|
| The Central City Choir<br>209 McNab Street North<br>Hamilton ON L8R 2M5 | $4,000.00 | $4,000.00 | An ongoing children's choir made up of children from the c<br>CD production. |
| Hamilton Conservatory for the Arts<br>Attention: Janice Hunt<br>126 James Street South<br>Hamilton, ON L8P 2Z4 | $47,850.00 | $40,000.00 | A secondary school co-op program assisting the Elementa<br>through active involvement in demonstrations (12 lessons)<br>arts. These demonstrations are built on the expectations fr<br>Ontario Curriculum for the Arts. |
| | TOTAL | **$152,930.00** | |

# CITY OF HAMILTON / REGION OF HAMILTON-WENTWORTH

## - RECOMMENDATION -

D-2.

**DATE:** August 24, 2000

**REPORT TO:** Chairman and Members
Regional Committee of the Whole

Chairman and Members
City Committee of the Whole

**FROM:** James P. Bruzzese
Acting City Manager

**SUBJECT:** Approval to Externally Hire Corporate Communications Position (CM0020)

**RECOMMENDATION:**

1) That the Manager, Corporate Communications be authorized to externally hire a Communications/Marketing Officer on a one-year contract within the approved complement if there are no qualified applicants within the City/Region or any of the local area municipalities.

   Based on Transition Board guidelines, dated March 14, 2000, this report requires Transition Board approval.

James P. Bruzzese
Acting City Manager

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Corporate Communications Department currently has a complement of five Communications/Marketing Officers. One staff member is taking a leave of absence to pursue further education while another staff member has been seconded to the Hamilton-Wentworth Infrastructure Network as the Community Network Co-ordinator for one year.

Given the impending changes as a result of amalgamation one position has been posted internally as a one-year contract. Authorization to hire externally is being requested concurrent with the internal posting in the event there are no qualified applicants in any of the area municipalities.

# LEGAL SERVICES

# - RECOMMENDATION -

D-3

**DATE:** August 22, 2000

**REPORT TO:** Chairman and Members
City Committee of the Whole (Finance and Administration)

Chairman and Members
Region Committee of the Whole (Finance and Administrative Services)

**FROM:** Rand C. Roszell
Corporate Counsel

**SUBJECT:** Approval to Fill Temporary Vacancies in Legal Services
Report No.: LS00013

**RECOMMENDATION:**

a) That approval be given to fill the following temporary vacancies on a contract basis:

i) two positions for Assistant Corporate Counsel;

ii) one position for a law clerk.

**This recommendation is subject to the approval of the Transition Board.**

per

Rand C. Roszell
Corporate Counsel

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The three positions which are becoming vacant are all within the current budget of Legal Services. The staffing and legal implications of filling these vacancies are addressed in the body of this report.

**BACKGROUND:**

For the reasons set out below, three staff positions in Legal Services will soon become vacant. Each of the positions is a full-time complement position for which budget is already in place. Approval is being requested for the <u>temporary</u> filling of these positions at the earliest opportunity. Assuming that the current model for providing legal services will continue in the New City, the problem resulting from these vacancies should be

addressed at this time, rather than in 2001, since there are no other in-house legal personnel in the other municipalities who could be placed in these positions at a later date.

The three affected positions are as follows:

1. ASSISTANT CORPORATE COUNSEL:

   Issue: A full-time lawyer has been seconded to the Office of the New City Manager for a period of approximately one year.

   Solution: Extend the temporary contract of the lawyer who is currently filling the position of the lawyer referred to in paragraph two, below, who is now on maternity leave.

2. ASSISTANT CORPORATE COUNSEL:

   Issue: A lawyer who will be returning from maternity leave at the end of September and another lawyer in Legal Services have submitted a request to job-share in accordance with the Job Sharing Policy approved by City Council and Regional Council in May, 1994, i.e., each employee will work half-time, sharing one full-time position. This arrangement will therefore leave a full-time lawyer position vacant. The current policy encourages job-sharing, with the approval of the responsible manager. The objective of this policy is to allow a better balance between work and outside responsibilities, while enabling the City and Region to retain the services of experienced employees. The authorization of City Council and Regional Council is required in order to fill the resulting vacancy.

   Solution: Approval is requested to fill this lawyer position for a one year period on a contract basis, at the end of which the lawyers and the Department Head will review the job-sharing arrangement to determine whether it will be extended.

3. LAW CLERK:

   Issue: A full-time law clerk will be commencing a maternity leave in mid-September.

   Solution: Approval is requested to fill the vacancy for a law clerk for the duration of the full-time employee's maternity leave on a contract basis.

In order to maintain a satisfactory level of legal services to both the City and the Region, it is extremely important to fill these three vacant positions with qualified individuals, on a temporary basis. Under the current Guidelines issued by the Transition Board, that body's approval is also required, before the recruitment process may proceed.

# CITY OF HAMILTON

## - RECOMMENDATION -

D-4

**DATE:** 2000 August 28

**REPORT TO:** Chairman and Members of the City Committee of the Whole

**FROM:** Richard P. Male
A/General Manager, Finance

**SUBJECT:** B. I .A. 's 1999 Financial Statements (FIN00096)

**RECOMMENDATION:**

That the 1999 audited Financial Statements of the B. I. A. 's be received.

Richard P. Male

**BACKGROUND:**

The 1999 audited consolidated financial statements for the City of Hamilton were submitted to the Committee of the Whole on July 4th, 2000. The total equity position of the business improvement areas (B.I.A.'s) were incorporated with the City of Hamilton financial statement. As required by the Municipal Act financial statements of each B.I.A. must be audited individually by the same external auditor as the City of Hamilton.

The financial statements for each B.I.A. were presented to the Business Improvement Area (B.I.A.) and Business Association Co-ordinating Committee on July 11th, 2000. The B.I.A. financial statements, as listed below, are attached:

- Barton Village Business Improvement Area
- Concession Street Business Improvement Area
- Downtown Hamilton Business Improvement Area
- International Village Business Improvement Area
- King Street West Business Improvement Area
- Main Street West Esplanade Business Improvement Area
- Ottawa Street Business Improvement Area
- Westdale Business Improvement Area

Transition Board approval is not required.

BM/
Attached

# BARTON VILLAGE
# BUSINESS IMPROVEMENT AREA

# *FINANCIAL STATEMENTS*

**December 31, 1999**

KPMG LLP
Chartered Accountants
Box 976
21 King Street West Suite 700
Hamilton ON L8N 3R1

Telephone (905) 523-8200
Telefax (905) 523-2222
www.kpmg.ca

# AUDITORS' REPORT

To the Board of Management of the Barton Village Business Improvement Area, Members of Council, Inhabitants and Ratepayers of the Corporation of the City of Hamilton

We have audited the balance sheet of Barton Village Business Improvement Area as at December 31, 1999 and the statement of revenue and expense and members' equity for the year then ended. These financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of Barton Village Business Improvement Area as at December 31, 1999 and the results of its operations for the year then ended in accordance with the accounting principles disclosed in note 1 to the financial statements.

The comparative figures were audited by another firm of chartered accountants.

KPMG LLP

Chartered Accountants

Hamilton, Canada

March 31, 2000

# Barton Village Business Improvement Area

**BALANCE SHEET**
**December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **ASSETS** | | |
| Current | | |
| Cash | 569 | 7,318 |
| Term deposit | 15,000 | - |
| Assessment levy receivable | 200 | 186 |
| Accounts receivable | 646 | 702 |
| Prepaid expense | 2,851 | 564 |
| | 19,266 | 8,770 |
| **LIABILITIES AND MEMBERS' EQUITY** | | |
| Current | | |
| Accounts payable and accrued liabilities | 519 | 6,740 |
| **MEMBERS' EQUITY** | 18,747 | 2,030 |
| | 19,266 | 8,770 |

See accompanying notes to the financial statements

# Barton Village Business Improvement Area

**STATEMENT OF REVENUE AND EXPENSE**
**AND MEMBERS' EQUITY**
**for the year ended December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **REVENUE** | | |
| Assessment levy | 29,515 | 29,664 |
| Interest | 146 | 277 |
| Other Income | 728 | 4,180 |
| Christmas grant | 603 | 702 |
| Fund raising | - | 892 |
| | 30,992 | 35,715 |
| **EXPENSE** | | |
| Christmas | 1,181 | 4,553 |
| Office | 3,297 | 7,583 |
| Rent | 1,070 | 200 |
| Audit fees | 350 | 312 |
| Meetings and workshops | 991 | 1,080 |
| Co-ordination | 6,000 | 7,273 |
| Insurance | 1,405 | 810 |
| Bad debts (recovery) | (500) | (350) |
| Barton Street revitalization | 481 | 1,395 |
| Sign project | - | 2,140 |
| Miscellaneous | - | 5,544 |
| | 14,275 | 30,540 |
| **EXCESS OF REVENUE FOR THE YEAR** | 16,717 | 5,175 |
| **MEMBERS' EQUITY (DEFICIT)** - Beginning of year | 2,030 | (3,145) |
| **MEMBERS' EQUITY** - End of year | 18,747 | 2,030 |

See accompanying notes to the financial statements

**NOTES TO THE FINANCIAL STATEMENTS**
**December 31, 1999**

Barton Village was established by the Council of the City of Hamilton and has been entrusted with the improvement, beautification and maintenance of municipally owned land, buildings and structures in the improvement area, beyond such expenditure by the Municipality. Barton Village is also responsible for the promotion of this improvement area for business and shopping.

Barton Village is financed by a special levy charged upon businesses in the improvement area.

## 1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of accounting

Revenue and expense are recorded on the accrual basis. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

(b) Capital assets

The historical cost and accumulated amortization of capital assets are not recorded. Capital assets are reported as expenses in the year of acquisition.

(c) Donations

The organization does not record the value of donated materials and services.

# CONCESSION STREET
# BUSINESS IMPROVEMENT AREA

# *FINANCIAL STATEMENTS*

**December 31, 1999**

KPMG LLP
Chartered Accountants
Box 976
21 King Street West Suite 700
Hamilton ON L8N 3R1

Telephone (905) 523-8200
Telefax (905) 523-2222
www.kpmg.ca

# AUDITORS' REPORT

To the Board of Management of the Concession Street Business Improvement Area, Members of Council, Inhabitants and Ratepayers of the Corporation of the City of Hamilton

We have audited the balance sheet of Concession Street Business Improvement Area as at December 31, 1999 and the statement of revenue and expense and members' equity for the year then ended. These financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these financial statements based on our audit.

Except as explained in the following paragraph, we conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In common with many not-for-profit organizations, the organization derives revenue from fund raising activities, the completeness of which is not susceptible of satisfactory audit verification. Accordingly, our verification of these revenues was limited to the amounts recorded in the records of the organization and we were not able to determine whether any adjustment might be necessary to fund raising revenue, excess of revenue (expense) for the year, assets and members' equity.

In our opinion, except for the effects of adjustments, if any, which we might have determined to be necessary had we been able to satisfy ourselves concerning the completeness of the revenue referred to in the preceding paragraph, these financial statements present fairly, in all material respects, the financial position of Concession Street Business Improvement Area as at December 31, 1999 and the results of its operations for the year then ended in accordance with the accounting principles disclosed in note 1 to the financial statements.

The comparative figures were audited by another firm of chartered accountants.

KPMG LLP

Chartered Accountants

Hamilton, Canada

March 31, 2000

KPMG LLP, a Canadian owned limited liability partnership established under the

# Concession Street Business Improvement Area

**BALANCE SHEET**
**December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **ASSETS** | | |
| Current | | |
| Cash | 2,111 | 2,666 |
| Assessment levy receivable | 59 | - |
| Accounts receivable | 1,000 | 1,000 |
| Prepaid expense | 78 | 78 |
| Inventory | 1,340 | 1,726 |
| | 4,588 | 5,470 |
| **LIABILITIES AND MEMBERS' EQUITY** | | |
| Current | | |
| Accounts payable and accrued liabilities | 2,846 | 625 |
| **MEMBERS' EQUITY** | 1,742 | 4,845 |
| | 4,588 | 5,470 |

See accompanying notes to the financial statements

# Concession Street Business Improvement Area

**STATEMENT OF REVENUE AND EXPENSE**
**AND MEMBERS' EQUITY**
**for the year ended December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **REVENUE** | | |
| Assessment levy | 12,246 | 11,645 |
| Government grants | 1,000 | 1,000 |
| Fund raising | 12,312 | 6,187 |
| | 25,558 | 18,832 |
| **EXPENSE** | | |
| Promotion | 22,181 | 12,058 |
| Christmas decorations | 2,691 | 3,253 |
| Office supplies | 440 | 1,062 |
| Audit fees | 375 | 343 |
| Insurance | 918 | 917 |
| Bank charges | 102 | 45 |
| Miscellaneous | 549 | 414 |
| Cost of goods sold | 1,468 | 419 |
| Bad debts (recovery) | (63) | (300) |
| | 28,661 | 18,211 |
| **EXCESS OF (EXPENSE) REVENUE FOR THE YEAR** | (3,103) | 621 |
| **MEMBERS' EQUITY** - Beginning of year | 4,845 | 4,224 |
| **MEMBERS' EQUITY** - End of year | 1,742 | 4,845 |

See accompanying notes to the financial statements

# Concession Street Business Improvement Area

**NOTES TO THE FINANCIAL STATEMENTS**
**December 31, 1999**

Concession Street BIA was established by the Council of the City of Hamilton and has been entrusted with the improvement, beautification and maintenance of municipally owned land, buildings and structures in the improvement area, beyond such expenditure by the Municipality. Concession Street BIA is also responsible for the promotion of this improvement area for business and shopping.

Concession Street BIA is financed by a special levy charged upon businesses in the improvement area.

## 1. SIGNIFICANT ACCOUNTING POLICIES

### (a) Basis of accounting

Revenue and expense are recorded on the accrual basis. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

### (b) Capital assets

The historical cost and accumulated amortization of capital assets are not recorded. Capital assets are reported as expenses in the year of acquisition.

### (c) Inventory

The inventory of books is valued at the lower of cost and net realizable value.

### (d) Donations

The organization does not record the value of donated materials and services.

# DOWNTOWN HAMILTON
# BUSINESS IMPROVEMENT AREA

# *FINANCIAL STATEMENTS*

**December 31, 1999**

KPMG LLP
Chartered Accountants
Box 976
21 King Street West Suite 700
Hamilton ON L8N 3R1

Telephone (905) 523-8200
Telefax (905) 523-2222
www.kpmg.ca

# AUDITORS' REPORT

To the Board of Management of the Downtown Hamilton Business Improvement Area, Members of Council, Inhabitants and Ratepayers of the Corporation of the City of Hamilton

We have audited the balance sheet of Downtown Hamilton Business Improvement Area as at December 31, 1999 and the statement of revenue and expense and members' equity for the year then ended. These financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of Downtown Hamilton Business Improvement Area as at December 31, 1999 and the results of its operations for the year then ended in accordance with the accounting principles disclosed in note 1 to the financial statements.

The comparative figures were audited by another firm of chartered accountants.

KPMG LLP

Chartered Accountants

Hamilton, Canada

March 31, 2000

KPMG LLP, a Canadian owned limited liability partnership established under the

# Downtown Hamilton Business Improvement Area

## BALANCE SHEET
**December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **ASSETS** | | |
| Current | | |
| Cash | 45,008 | 78,111 |
| Accounts receivable | 6,314 | 3,170 |
| Assessment levy receivable | 2,382 | 4,948 |
| Prepaid expenses | 662 | 393 |
| | 54,366 | 86,622 |
| **LIABILITIES AND MEMBERS' EQUITY** | | |
| Current | | |
| Accounts payable and accrued liabilities | 13,809 | 8,989 |
| **MEMBERS' EQUITY** | 40,557 | 77,633 |
| | 54,366 | 86,622 |

See accompanying notes to the financial statements

# Downtown Hamilton Business Improvement Area

## STATEMENT OF REVENUE AND EXPENSE AND MEMBERS' EQUITY
**for the year ended December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **REVENUE** | | |
| Assessment levy | 96,383 | 85,769 |
| Interest | 210 | 218 |
| Other | 7,936 | 3,288 |
| | 104,529 | 89,275 |
| **EXPENSE** | | |
| Salaries | 58,620 | 40,171 |
| Administration | 1,845 | 1,941 |
| Promotion | 49,713 | 13,012 |
| Bad debts (recovery) | - | (7,000) |
| Miscellaneous | 402 | 1,184 |
| Professional fees | 2,730 | 4,152 |
| Office expenses | 28,295 | 16,477 |
| | 141,605 | 69,937 |
| **EXCESS OF (EXPENSE) REVENUE FOR THE YEAR** | (37,076) | 19,338 |
| **MEMBERS' EQUITY** - Beginning of year | 77,633 | 58,295 |
| **MEMBERS' EQUITY** - End of year | 40,557 | 77,633 |

See accompanying notes to the financial statements

# Downtown Hamilton Business Improvement Area

NOTES TO THE FINANCIAL STATEMENTS
**December 31, 1999**

Downtown Hamilton BIA was established by the Council of the City of Hamilton and has been entrusted with the improvement, beautification and maintenance of municipally owned land, buildings and structures in the improvement area, beyond such expenditure by the Municipality. Downtown Hamilton BIA is also responsible for the promotion of this improvement area for business and shopping.

Downtown Hamilton BIA is financed by a special levy charged upon businesses in the improvement area.

## 1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of accounting

Revenue and expense are recorded on the accrual basis. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

(b) Capital assets

The historical cost and accumulated amortization of capital assets are not recorded. Capital assets are reported as expenses in the year of acquisition.

(c) Donations

The organization does not record the value of donated materials and services made to it.

## 2. PRIOR YEARS' FIGURES

Certain of the prior year figures have been reclassified to conform with the current year's presentation.

INTERNATIONAL VILLAGE
BUSINESS IMPROVEMENT AREA

# *FINANCIAL STATEMENTS*

December 31, 1999

KPMG LLP
Chartered Accountants
Box 976
21 King Street West Suite 700
Hamilton ON L8N 3R1

Telephone (905) 523-8200
Telefax (905) 523-2222
www.kpmg.ca

# AUDITORS' REPORT

To the Board of Management of the International Village Business Improvement Area, Members of Council, Inhabitants and Ratepayers of the Corporation of the City of Hamilton

We have audited the balance sheet of International Village Business Improvement Area as at December 31, 1999 and the statement of revenue and expense and members' deficit for the year then ended. These financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these financial statements based on our audit.

Except as explained in the following paragraphs, we conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

As explained in note 2, these financial statements do not include the assets, liabilities, revenues or expenses related to the Coalition of Property Owners' program, except to the extent of transfers of funds between bank accounts of the organization and that relating to the Coalition. Accordingly, we are unable to determine the extent to which revenues, expenses, assets, liabilities and members' deficit may be misstated.

In common with many not-for-profit organizations, the organization derives revenue from fund raising activities, the completeness of which is not susceptible of satisfactory audit verification. Accordingly, our verification of these revenues was limited to the amounts recorded in the records of the organization and we were not able to determine whether any adjustment might be necessary to fund raising revenue, excess of revenue (expense) for the year, assets and members' deficit.

In our opinion, except for the effects of adjustments, if any, which we might have determined to be necessary had we been able to satisfy ourselves concerning the operations of the Coalition of Property Owners' program and the completeness of the revenue referred to in the preceding paragraph, these financial statements present fairly, in all material respects, the financial position of International Village Business Improvement Area as at December 31, 1999 and the results of its operations for the year then ended in accordance with the accounting principles disclosed in notes 1 and 2 to the financial statements.

The comparative figures were audited by another firm of chartered accountants.

KPMG LLP

Chartered Accountants

Hamilton, Canada

March 31, 2000

KPMG LLP, a Canadian owned limited liability partnership established under the

# International Village Business Improvement Area

## BALANCE SHEET
**December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **ASSETS** | | |
| Current | | |
| Cash | 23,991 | 9,362 |
| Assessment levy receivable | 1,680 | 2,631 |
| Prepaid expenses | 51 | - |
| | 25,722 | 11,993 |
| **LIABILITIES AND MEMBERS' DEFICIT** | | |
| Current | | |
| Accounts payable and accrued liabilities | 7,607 | 3,373 |
| Accounts payable - City of Hamilton | - | 1,743 |
| Deferred revenue | 34,480 | 27,000 |
| | 42,087 | 32,116 |
| **MEMBERS' DEFICIT** | (16,365) | (20,123) |
| | 25,722 | 11,993 |

See accompanying notes to the financial statements

# International Village Business Improvement Area

**STATEMENT OF REVENUE AND EXPENSE**
**AND MEMBERS' DEFICIT**
**for the year ended December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **REVENUE** | | |
| Assessment levy | 74,047 | 42,680 |
| Recoveries - Coalition of Property Owners | 1,966 | 116 |
| Other | 5,461 | 4,113 |
| Fund raising | 16,528 | 9,635 |
| | 98,002 | 56,544 |
| **EXPENSE** | | |
| Mustard Festival | 37,169 | 23,477 |
| Advertising and promotion | 6,434 | 6,086 |
| Insurance | 1,332 | 1,332 |
| Audit fees | 736 | 342 |
| Miscellaneous | 634 | 343 |
| Office | 2,583 | 810 |
| Payroll | 39,508 | 29,739 |
| Office rent | 2,000 | 4,000 |
| Bad debts (recovery) | - | (1,000) |
| Utilities | 3,848 | 4,045 |
| | 94,244 | 69,174 |
| **EXCESS OF REVENUE (EXPENSE) FOR THE YEAR** | 3,758 | (12,630) |
| **MEMBERS' DEFICIT** - Beginning of year | (20,123) | (7,493) |
| **MEMBERS' DEFICIT** - End of year | (16,365) | (20,123) |

See accompanying notes to the financial statements

## NOTES TO THE FINANCIAL STATEMENTS
**December 31, 1999**

International Village BIA was established by the Council of the City of Hamilton and has been entrusted with the improvement, beautification and maintenance of municipally owned land, buildings and structures in the improvement area, beyond such expenditure by the Municipality. International Village BIA is also responsible for the promotion of this improvement area for business and shopping.

International Village BIA is financed by a special levy charged upon businesses in the improvement area.

### 1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of accounting

Revenue and expense are recorded on the accrual basis. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

(b) Capital assets

The historical cost and accumulated amortization of capital assets are not recorded. Capital assets are reported as expenses in the year of acquisition.

(c) Donations

The organization does not record the value of donated materials and services.

### 2. BASIS OF PRESENTATION

These financial statements do not include the assets, liabilities, revenues and expenses of the Coalition of Property Owners' program undertaken by the organization, except to the extent that transactions are settled by each.

### 3. PRIOR YEAR'S FIGURES

Certain of the prior year figures have been reclassified to conform with the current year's presentation.

KING STREET WEST
BUSINESS IMPROVEMENT AREA

# *FINANCIAL STATEMENTS*

December 31, 1999

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www.kpmg.ca

# AUDITORS' REPORT

To the Board of Management of the King Street West Business Improvement Area, Members of Council, Inhabitants and Ratepayers of the Corporation of the City of Hamilton

We have audited the balance sheet of King Street West Business Improvement Area as at December 31, 1999 and the statement of revenue and expense and members' equity for the year then ended. These financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of King Street West Business Improvement Area as at December 31, 1999 and the results of its operations for the year then ended in accordance with the accounting principles disclosed in note 1 to the financial statements.

KPMG LLP

Chartered Accountants

Hamilton, Canada

March 31, 2000

KPMG LLP, a Canadian owned limited liability partnership established under the

# King Street West Business Improvement Area

**BALANCE SHEET**
**December 31, 1999**

| | 1999<br>$ |
|---|---|
| **ASSETS** | |
| Current | |
| Cash | 1,731 |
| | 1,731 |
| **LIABILITIES AND MEMBERS' EQUITY** | |
| Current | |
| Accrued liability | 250 |
| **MEMBERS' EQUITY** | 1,481 |
| | 1,731 |

See accompanying notes to the financial statements

# King Street West Business Improvement Area

**STATEMENT OF REVENUE AND EXPENSE**
**AND MEMBERS' EQUITY**
**for the year ended December 31, 1999**

| | 1999<br>$ |
|---|---|
| **REVENUE** | |
| Assessment levy | 2,800 |
| | 2,800 |
| **EXPENSE** | |
| Christmas decorations | 1,064 |
| Audit fees | 250 |
| Bank charges | 5 |
| | 1,319 |
| **EXCESS OF REVENUE FOR THE YEAR** | 1,481 |
| **MEMBERS' EQUITY** - Beginning of year | - |
| **MEMBERS' EQUITY** - End of year | 1,481 |

See accompanying notes to the financial statements

**NOTES TO THE FINANCIAL STATEMENTS**
**December 31, 1999**

King Street West BIA was established by the Council of the City of Hamilton and has been entrusted with the improvement, beautification and maintenance of municipally owned land, buildings and structures in the improvement area, beyond such expenditure by the Municipality. King Street West BIA is also responsible for the promotion of this improvement area for business and shopping.

King Street West BIA is financed by a special levy charged upon businesses in the improvement area.

## 1. SIGNIFICANT ACCOUNTING POLICIES

### (a) Basis of accounting

Revenue and expense are recorded on the accrual basis. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

### (b) Capital assets

The historical cost and accumulated amortization of capital assets are not recorded. Capital assets are reported as expenses in the year of acquisition.

### (c) Donations

The organization does not record the value of donated materials and services.

# MAIN STREET WEST ESPLANADE
# BUSINESS IMPROVEMENT AREA

# *FINANCIAL STATEMENTS*

**December 31, 1999**

KPMG LLP
Chartered Accountants
Box 976
21 King Street West Suite 700
Hamilton ON L8N 3R1

Telephone (905) 523-8200
Telefax (905) 523-2222
www.kpmg.ca

# AUDITORS' REPORT

To the Board of Management of the Main Street West Esplanade Business Improvement Area, Members of Council, Inhabitants and Ratepayers of the Corporation of the City of Hamilton

We have audited the balance sheet of Main Street West Esplanade Business Improvement Area as at December 31, 1999 and the statement of revenue and expense and members' equity for the year then ended. These financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of Main Street West Esplanade Business Improvement Area as at December 31, 1999 and the results of its operations for the year then ended in accordance with the accounting principles disclosed in note 1 to the financial statements.

The comparative figures were audited by another firm of chartered accountants.

KPMG LLP
Chartered Accountants

Hamilton, Canada

March 31, 2000

KPMG LLP, a Canadian owned limited liability partnership established under the

# Main Street West Esplanade Business Improvement Area

**BALANCE SHEET**
**December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **ASSETS** | | |
| Current | | |
| Cash | 5,967 | 7,397 |
| Prepaid expenses | 223 | 223 |
| | 6,190 | 7,620 |
| **LIABILITIES AND MEMBERS' EQUITY** | | |
| Current | | |
| Accrued liability | 325 | 326 |
| Accounts payable - City of Hamilton | 1,165 | 1,166 |
| | 1,490 | 1,492 |
| **MEMBERS' EQUITY** | 4,700 | 6,128 |
| | 6,190 | 7,620 |

See accompanying notes to the financial statements

# Main Street West Esplanade Business Improvement Area

**STATEMENT OF REVENUE AND EXPENSE**
**AND MEMBERS' EQUITY**
**for the year ended December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **REVENUE** | | |
| Interest | 12 | 22 |
| | 12 | 22 |
| **EXPENSE** | | |
| Levy Cancellations | 362 | 133 |
| Meetings | 735 | 390 |
| Advertising | - | 54 |
| Audit fees | 325 | 342 |
| Insurance | 243 | 243 |
| Miscellaneous | 114 | 318 |
| Bad debts (recovery) | (362) | (647) |
| Bank charges | 23 | 27 |
| | 1,440 | 860 |
| **EXCESS OF EXPENSE FOR THE YEAR** | (1,428) | (838) |
| **MEMBERS' EQUITY** - Beginning of year | 6,128 | 6,966 |
| **MEMBERS' EQUITY** - End of year | 4,700 | 6,128 |

See accompanying notes to the financial statements

# Main Street West Esplanade Business Improvement Area

**NOTES TO THE FINANCIAL STATEMENTS**
**December 31, 1999**

Main West Esplanade BIA was established by the Council of the City of Hamilton and has been entrusted with the improvement, beautification and maintenance of municipally owned land, buildings and structures in the improvement area, beyond such expenditure by the Municipality. Main West Esplanade BIA is also responsible for the promotion of this improvement area for business and shopping.

Main West Esplanade BIA is financed by a special levy charged upon businesses in the improvement area.

## 1. SIGNIFICANT ACCOUNTING POLICIES

### (a) Basis of accounting

Revenue and expense are recorded on the accrual basis. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

### (b) Capital assets

The historical cost and accumulated amortization of capital assets are not recorded. Capital assets are reported as expenses in the year of acquisition.

### (c) Donations

The organization does not record the value of donated materials and services.

OTTAWA STREET
BUSINESS IMPROVEMENT AREA

# *FINANCIAL STATEMENTS*

December 31, 1999

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# AUDITORS' REPORT

To the Board of Management of the Ottawa Street Business Improvement Area, Members of Council, Inhabitants and Ratepayers of the Corporation of the City of Hamilton

We have audited the balance sheet of Ottawa Street Business Improvement Area as at December 31, 1999 and the statement of revenue and expense and members' equity for the year then ended. These financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of Ottawa Street Business Improvement Area as at December 31, 1999 and the results of its operations for the year then ended in accordance with the accounting principles disclosed in note 1 to the financial statements.

The comparative figures were audited by another firm of chartered accountants.

KPMG LLP

Chartered Accountants

Hamilton, Canada

March 31, 2000

KPMG LLP, a Canadian owned limited liability partnership established under the

# Ottawa Street Business Improvement Area

**BALANCE SHEET**
**December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **ASSETS** | | |
| Current | | |
| Cash | 17,438 | 38,904 |
| Assessment levy receivable | 1,006 | 49,004 |
| Accounts receivable | 4,234 | 5,189 |
| Prepaid expenses | 1,100 | 618 |
| | 23,778 | 93,715 |
| **LIABILITIES AND MEMBERS' EQUITY** | | |
| Current | | |
| Accounts payable and accrued liabilities | 6,876 | 6,104 |
| **MEMBERS' EQUITY** | 16,902 | 87,611 |
| | 23,778 | 93,715 |

See accompanying notes to the financial statements

# Ottawa Street Business Improvement Area

**STATEMENT OF REVENUE AND EXPENSE**
**AND MEMBERS' EQUITY**
**for the year ended December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **REVENUE** | | |
| Assessment levy | 33,148 | 37,696 |
| Grants | 1,000 | 1,000 |
| Sundry | 1,458 | 7,821 |
| Fund raising | - | 6,772 |
| | 35,606 | 53,289 |
| **EXPENSE** | | |
| Advertising and promotion | 17,818 | 28,691 |
| Project costs | 12,411 | 15,955 |
| Beautification | 4,078 | 2,972 |
| Wages and benefits | - | 3,512 |
| Consulting fees | 13,349 | - |
| Office | 8,718 | 5,051 |
| Professional fees | 2,707 | 2,085 |
| Rentals | 1,122 | 600 |
| Membership, conferences and seminars | 112 | 75 |
| Bad debts (recovery) | 46,000 | (8,950) |
| | 106,315 | 49,991 |
| **EXCESS OF (EXPENSE) REVENUE FOR THE YEAR** | (70,709) | 3,298 |
| **MEMBERS' EQUITY** - Beginning of year | 87,611 | 84,313 |
| **MEMBERS' EQUITY** - End of year | 16,902 | 87,611 |

See accompanying notes to the financial statements

# Ottawa Street Business Improvement Area

**NOTES TO THE FINANCIAL STATEMENTS**
**December 31, 1999**

Ottawa Street BIA was established by the Council of the City of Hamilton and has been entrusted with the improvement, beautification and maintenance of municipally owned land, buildings and structures in the improvement area, beyond such expenditure by the Municipality. Ottawa Street BIA is also responsible for the promotion of this improvement area for business and shopping.

Ottawa Street BIA is financed by a special levy charged upon businesses in the improvement area.

## 1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of accounting

Revenue and expense are recorded on the accrual basis. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

(b) Capital assets

The historical cost and accumulated amortization of capital assets are not recorded. Capital assets are reported as expenses in the year of acquisition.

(c) Donations

The organization does not record the value of donated materials and services.

# WESTDALE
# BUSINESS IMPROVEMENT AREA

# *FINANCIAL STATEMENTS*

**December 31, 1999**

KPMG LLP
Chartered Accountants
Box 976
21 King Street West Suite 700
Hamilton ON L8N 3R1

Telephone (905) 523-8200
Telefax (905) 523-2222
www.kpmg.ca

# AUDITORS' REPORT

To the Board of Management of the Westdale Business Improvement Area, Members of Council, Inhabitants and Ratepayers of the Corporation of the City of Hamilton

We have audited the balance sheet of Westdale Business Improvement Area as at December 31, 1999 and the statement of revenue and expense and members' equity for the year then ended. These financial statements are the responsibility of the Board's management. Our responsibility is to express an opinion on these financial statements based on our audit.

Except as explained in the following paragraph, we conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In common with many not-for-profit organizations, the organization derives revenue from fund raising activities, the completeness of which is not susceptible of satisfactory audit verification. Accordingly, our verification of these revenues was limited to the amounts recorded in the records of the organization and we were not able to determine whether any adjustment might be necessary to fund raising revenue, excess of revenue for the year, assets and members' equity.

In our opinion, except for the effects of adjustments, if any, which we might have determined to be necessary had we been able to satisfy ourselves concerning the completeness of the revenue referred to in the preceding paragraph, these financial statements present fairly, in all material respects, the financial position of Westdale Business Improvement Area as at December 31, 1999 and the results of its operations for the year then ended in accordance with the accounting principles disclosed in note 1 to the financial statements.

The comparative figures were audited by another firm of chartered accountants.

KPMG LLP

Chartered Accountants

Hamilton, Canada

March 31, 2000

KPMG LLP, a Canadian owned limited liability partnership established under the

# Westdale Business Improvement Area

**BALANCE SHEET**
**December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **ASSETS** | | |
| Current | | |
| Cash | 2,298 | 1,966 |
| Term deposit | 5,000 | 13,191 |
| Assessment levy receivable | 932 | 2,880 |
| Other receivables | 1,685 | 1,000 |
| Prepaid expenses | 241 | 141 |
| | 10,156 | 19,178 |
| **LIABILITIES AND MEMBERS' EQUITY** | | |
| Current | | |
| Accounts payable and accrued liabilities | 4,520 | 12,578 |
| Accounts payable - City of Hamilton | - | 1,574 |
| | 4,520 | 14,152 |
| **MEMBERS' EQUITY** | 5,636 | 5,026 |
| | 10,156 | 19,178 |

See accompanying notes to the financial statements

# Westdale Business Improvement Area

**STATEMENT OF REVENUE AND EXPENSES**
**AND MEMBERS' EQUITY**
**for the year ended December 31, 1999**

| | 1999<br>$ | 1998<br>$ |
|---|---|---|
| **REVENUE** | | |
| Assessment levy | 34,762 | 32,824 |
| Government grants | 1,000 | 3,399 |
| Fund raising | 5,161 | 1,088 |
| Interest | 266 | 628 |
| | 41,189 | 37,939 |
| **EXPENSE** | | |
| Christmas decorations/celebrations | 5,609 | 9,230 |
| Rent | 1,200 | 1,100 |
| Beautification | 123 | 52 |
| Festival (net of revenue) | 9,771 | 2,003 |
| Printing and photocopying | 2,977 | 1,890 |
| Advertising and promotion | 3,306 | 8,574 |
| Audit fees | 330 | 326 |
| Insurance | 1,485 | 1,485 |
| Bank charges | 34 | 38 |
| Bad debts (recovery) | (500) | (3,000) |
| Miscellaneous | 7,528 | 10,895 |
| Meetings | 1,287 | 1,636 |
| S.E.E.D. Program project | 2,129 | 2,702 |
| Wages | 5,300 | 5,500 |
| | 40,579 | 42,431 |
| **EXCESS OF REVENUE (EXPENSE) FOR THE YEAR** | 610 | (4,492) |
| **MEMBERS' EQUITY** - Beginning of year | 5,026 | 9,518 |
| **MEMBERS' EQUITY** - End of year | 5,636 | 5,026 |

See accompanying notes to the financial statements

**NOTES TO THE FINANCIAL STATEMENTS**
**December 31, 1999**

Westdale BIA was established by the Council of the City of Hamilton and has been entrusted with the improvement, beautification and maintenance of municipally owned land, buildings and structures in the improvement area, beyond such expenditure by the Municipality. Westdale BIA is also responsible for the promotion of this improvement area for business and shopping.

Westdale BIA is financed by a special levy charged upon businesses in the improvement area.

## 1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of accounting

Revenue and expense are recorded on the accrual basis. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

(b) Capital assets

The historical cost and accumulated amortization of capital assets are not recorded. Capital assets are reported as expenses in the year of acquisition.

(c) Donations

The organization does not record the value of donated materials and services.

# CITY OF HAMILTON

## - RECOMMENDATION -

D-5

**DATE:** August 17, 2000

**REPORT TO:** Mayor and Members
City Committee of the Whole
Finance and Administration Committee

**FROM:** James P. Bruzzese
Acting City Manager

**SUBJECT:** **Appointment of Temporary Acting Treasurer**
**Report No. CM0018**

**RECOMMENDATION:**

(a) That Thomas A. Bradbury be appointed as Temporary Acting Treasurer for the period of September 6, 2000 to December 31, 2000, while the office of Treasurer is vacant.

(b) That if Thomas A. Bradbury is unable to carry out the duties of Temporary Acting Treasurer during the time period reflected in subsection (a), Richard P. Male, or if Mr. Male is unable to do so, Anthony D. Tollis, will be designated as the Temporary Acting Treasurer.

(c) That the Temporary Acting Treasurer shall also perform the duties of the General Manager of Finance during the designated time period.

(c) That a by-law be passed and enacted to reflect sub-sections (a) and (b).

(d) That By-law No. 92-138, being a by-law to appoint a Treasurer For The Corporation of the City of Hamilton, be repealed effective August 19, 2000;

(e) That By-law No. 99-094 be amended to revoke the appointment of Allan C. Ross as a Collector for the City of Hamilton effective August 19, 2000 and to reflect the appointment of Thomas A. Bradbury as a Collector for the City of Hamilton effective September 6, 2000.

James P. Bruzzese
Acting City Manager

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Subsection 77(3) of the *Municipal Act* provides that when the office of the treasurer is vacant, the council of the City may appoint a temporary treasurer who shall have all the powers and duties of the treasurer. It is recommended that this appointment be reflected in a by-law.

**BACKGROUND:**

Due to the resignation of Allan C. Ross effective August 19, 2000, the position of Treasurer for The Corporation of the City of Hamilton is vacant.

In order to provide for the continuance of the normal operations of the Finance Department and the duties of the Treasurer until the end of this year, it is being recommended that Mr. Thomas A. Bradbury be appointed as the Temporary Acting Treasurer for the City of Hamilton from September 6, 2000 to and including December 31, 2000. If Mr. Bradbury is unable to carry out his duties during the designated time period, the position will be filled by Richard P. Male, or in the event of Mr. Male being unable to carry out the duties of Temporary Acting Treasurer, by Mr. Anthony D. Tollis. While assuming the position of Temporary Acting Treasurer, the individual will also assume the administrative and operational duties of the General Manager of Finance.

It is also being recommended that the previous by-laws be repealed and that a new by-law be passed to reflect the Temporary Acting Treasurer position for the remainder of this year.

Lastly, it is being recommended that Mr. Thomas A. Bradbury be appointed to the position of collector for tax purposes to fill the vacancy left by Mr. Ross' departure and that the relevant by-law be amended to reflect this situation.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.

BEING A BY-LAW TO REPEAL BY-LAW NO. 92-138

WHEREAS on the 12th day of May, 1992, the Council of The Corporation of the City of Hamilton passed By-law No. 92-138, being a by-law to appoint a Treasurer for The Corporation of the City of Hamilton;

AND WHEREAS it is necessary to repeal By-law No. 92-138 as the office of Treasurer for The Corporation of the City of Hamilton became vacant as of August 19, 2000;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That By-law No. 92-138 of The Corporation of the City of Hamilton is hereby repealed.

2. That this By-law shall be deemed to have come into force and take effect on August 19, 2000.

**PASSED this day of September, A. D. 2000.**

**Acting Municipal Clerk** **Mayor**

Approved as to form
Legal Services

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.

BEING A BY-LAW TO AMEND BY-LAW NO. 99-094

WHEREAS on the 29th day of June, 1999, the Council of The Corporation of the City of Hamilton passed By-law No. 99-094, being a by-law to appoint collectors for The Corporation of the City of Hamilton;

AND WHEREAS it is necessary to amend By-law No. 99-094 as the office of Treasurer for The Corporation of the City of Hamilton became vacant as of August 19, 2000;

AND WHEREAS it is necessary to further amend By-law No. 99-094 to reflect the appointment of Thomas A. Bradbury as a collector as of September 6, 2000;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Section 1 of By-law No. 99-094 of The Corporation of the City of Hamilton is hereby repealed.

2. That By-law No. 99-094 of The Corporation of the City of Hamilton be further amended by inserting the following as Section 1 of said By-law No. 99-094:

   *Thomas A. Bradbury, Director of Revenue, is hereby appointed a Collector for The Corporation of the City of Hamilton.*

3. That section 1 of this by-law shall be deemed to have come into force and take effect on August 19, 2000.

4. That section 2 of this by-law shall come into force and take effect on September 6, 2000.

**PASSED this day of September, A.D. 2000.**

**Acting Municipal Clerk** **Mayor**

Approved as to form
Legal Services

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.

**BEING A BY-LAW TO APPOINT A TEMPORARY ACTING TREASURER FOR THE CORPORATION OF THE CITY OF HAMILTON**

**WHEREAS** subsection 77(3) of the *Municipal Act*, R.S.O. 1990, Chapter M. 45, as amended, provides as follows:

> 77(3) When the office of treasurer is vacant or the treasurer is unable to carry on his or her duties through illness or otherwise, the council may appoint a temporary treasurer who shall have all the powers and duties of the treasurer under this and every other Act.

**AND WHEREAS** the office of Treasurer for The Corporation of the City of Hamilton is vacant;

**AND WHEREAS** it is intended to provide for the continuance of the normal operations of the Finance Department and duties of the Treasurer during the time that the office of Treasurer is vacant;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Mr. Thomas A. Bradbury be appointed as Temporary Acting Treasurer for the period of September 6, 2000 to and including December 31, 2000 and shall have all the powers and duties of the Treasurer.

2. That Mr. Richard P. Male be appointed as Temporary Acting Treasurer in the absence of Mr. Thomas A. Bradbury, who then shall have all the powers and duties of the Treasurer whenever Mr. Thomas A. Bradbury is unable to carry out his duties of Temporary Acting Treasurer through illness or other absence from the office.

3. That Mr. Anthony D. Tollis be appointed as Temporary Acting Treasurer in the absence of both Mr. Thomas A. Bradbury and Mr. Richard P. Male, who shall then have all the powers and duties of the Treasurer whenever Mr. Thomas A. Bradbury and Mr. Richard P. Male are unable to carry out their duties of Temporary Acting Treasurer through illness or other absence from the office.

4. That By-law No. 99-093 is hereby repealed.

5. That this by-law shall come into force and take effect on September 6, 2000.

**PASSED this day of September, A.D. 2000.**

**Acting Municipal Clerk** **Mayor**

Approved as to form
Legal Services

# CITY OF HAMILTON

## - RECOMMENDATION -

D-6

**DATE:** 2000 August 16

**REPORT TO:** Chairman and Members
Finance and Administration Committee

**FROM:** J. P. Bruzzese
General Manager, Corporate Services

**SUBJECT:** Declaration of Surplus Property/Sale of part of Dulgaren Street (CS00025)

## RECOMMENDATION:

**Based on a review of Transition Board guidelines, staff has concluded that Transition Board Approval is not required.**

(a) (i) That the lands forming part of the unopened road allowance of part of Dulgaren Street from the east limit of Eaglewood Drive, easterly for 31 metres, being Parts 1, 2, 3, 4 & 5 on Plan 62R-15337 (formerly Part 1 on Plan 62R-14087, be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law 95-049; and,

(ii) That the Real Estate Facilities Management Department be authorized and directed to sell the subject property in accordance with the Real Property Sales Procedural By-law 95.049; and,

(b) (i) That an Offer to Purchase (Highway Closure) the unopened road allowance of part of Dulgaren Street being Parts 1, 2, 3, 4 & 5, Plan 62R15337 for the price of $21,000, executed by Harp Homes Inc. (M. Mazza, President) dated August 5, 2000, be accepted. The said transaction is scheduled to close on November 10, 2000. Funds derived from this sale be credited to Account No. COHAM 47702-100035. (Reserve for Property Purchases (Sales)); and,

(ii) That the required deposit cheque in the amount of $2,100 be held by the General Manager of Finance pending Council approval; and,

(iii) That Corporate Counsel be authorized and directed to prepare the necessary transfer documents; and,

**SUBJECT: Declaration of Surplus Property/Sale of part of Dulgaren Street**

(iv) That the Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(1) satisfactory notice has been given to the public of the intended sale;

(2) no appraisal of fair market value of the real property intended to be sold has been obtained as Highway(Public Highway) Closures and Sales are exempt from the appraisal requirement of Section 193 of the Municipal Act;

(v) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the Corporate Counsel.

(c) (i) That the Director of Roads be directed to prepare a by-law for the sale of the closed road to the abutting owner; and,

(ii) That the Municipal Clerk be directed to publish a notice pursuant to Section 301 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law; and.

James P. Bruzzese

## FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The sum of $21,000 for the sale be credited to Account No. COHAM 47702-100035 (Reserve for Property Purchases (Sales)). Upon closing these lands will be assembled with the purchaser's abutting lands to create four (4) residential building lots.

Based on a review of Transition Board guidelines, staff has concluded that Transition Board approval is not required.

## BACKGROUND:

On 1997 February 11, City Council adopted Item 1 of the 2nd Report of the Transport and Environment Committee approving the stopping up, closure, and sale of the unopened road allowance of Dulgaren Street from the easterly limit of Eaglewood Drive, easterly to 62 metres. On 1997 November 6 an Order closing the road allowance was granted. The Order was registered on title as Instrument No. LT478474 on 1997 November 12.

**SUBJECT: Declaration of Surplus Property/Sale of part of Dulgaren Street**

Where the City has determined that a property is available for sale (or other disposition), Real Property Sale Procedural By-law 95-049 states that a Council resolution shall also be passed to formally declare the property surplus to our municipal requirements. This was completed when City Council approved the subject property surplus by approving Item 3 of the 16th Report of the Finance and Administration Committee on November 9, 1999.

Forming part of the 1997 February 11 approval was that of the Real Estate Division of the City Clerk's Department dispose of the subject lands to the abutting owner. Subsequently, following negotiations for the subject land sale an Offer to Purchase (Highway Closure) document was prepared for the abutting property owner Harp Homes Inc. A by-law authorizing the sale as required by s.315 of the Municipal Act will be initiated by the Roads Division.

In compliance with Real Property Sales Procedural By-law No. 95-049, I am reporting to your Committee:

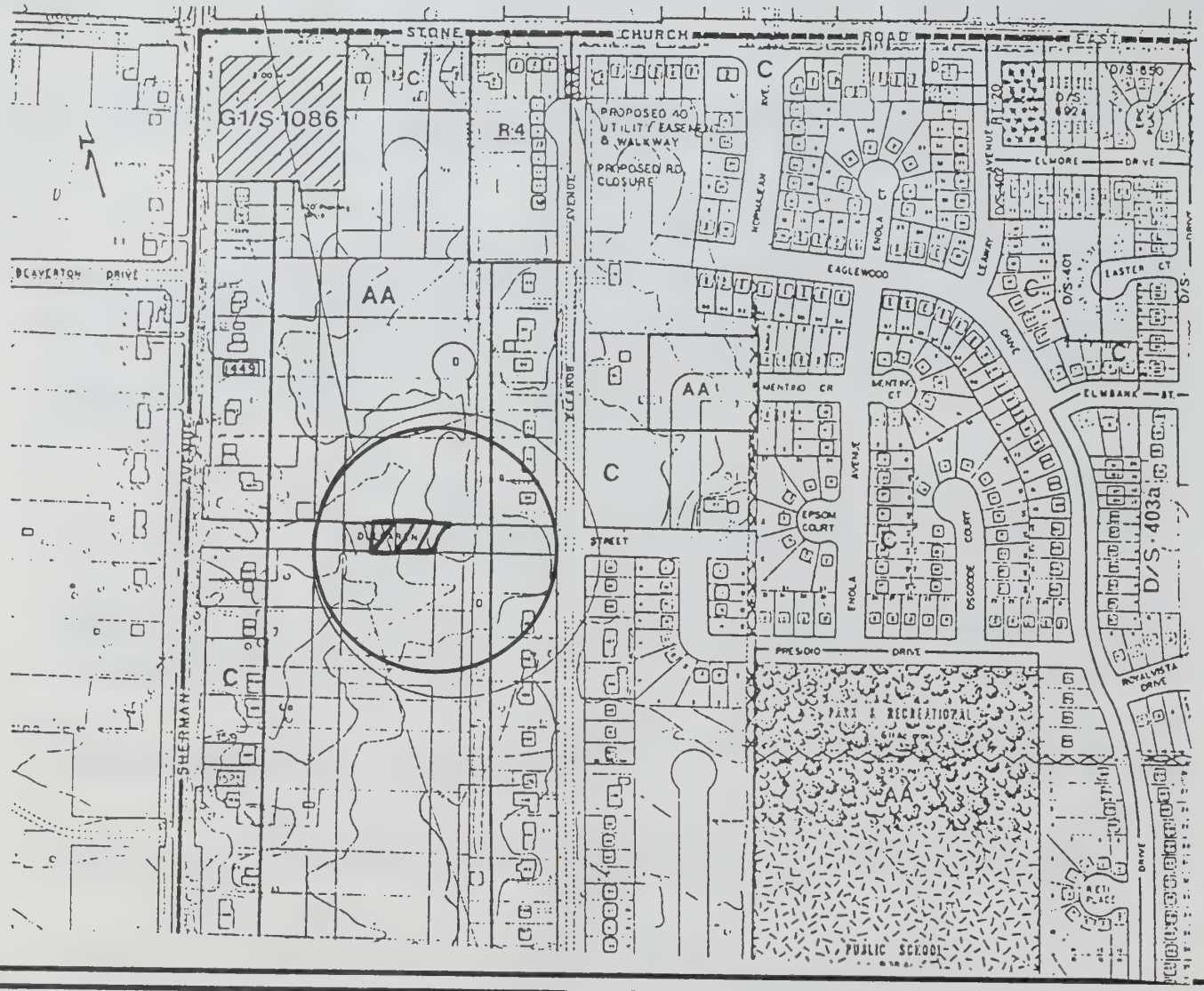
(a) Council in approving recommendation (a) of this report, has declared the subject lands surplus to the requirements of the City;

(b) that in accordance with the approved Method of Notice to the Public in Real Property Procedural By-law No. 95-049, satisfactory notice has been given to the public of the intended sale of the subject road allowances.

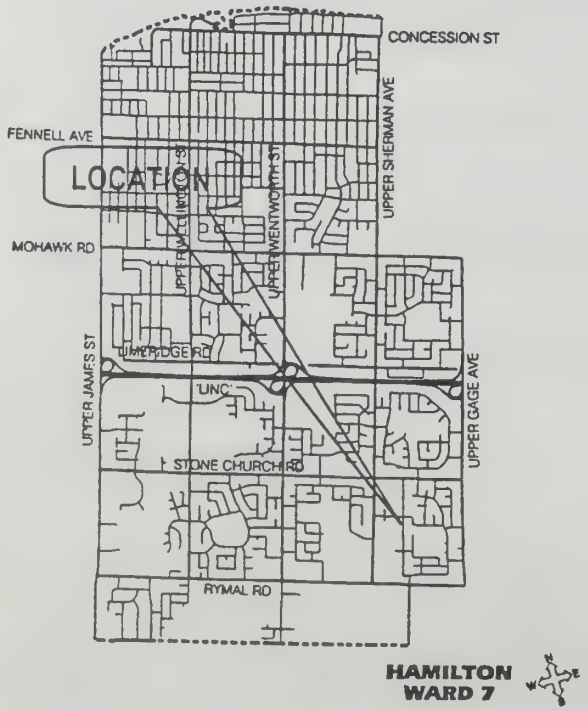
(c) no appraisal of fair market value of the real property being sold was obtained as road allowances are exempt from the appraisal requirements of Section 193 of the Municipal Act.

N/dg

c.c. Alderman T. Anderson, Alderman, Ward 7
Alderman B. Kelly, Alderman, Ward 7
R. Roszell, Corporate Counsel
Attention: H. Vastis
R. Male, Finance
G. McGuire, Manager of Surveys, Roads Division
M. Hazell, Manager of Community & Traffic Parking Services,
Public works and Traffic Department




# KEY MAP




# LOCATION PLAN

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
RAL ESTATE, FACILITIES MANAGEMENT dEPARTMENT

## LEGEND

SUBJECT LAND

| SCALE | DATE |
|---|---|
| NOT TO SCALE | 2000-08-16 |

REFERENCE FILE NO: CSOOO25

# CITY OF HAMILTON

D-7

## - RECOMMENDATION -

**DATE:** 2000 August 21
2000-043 K. Anderson

**REPORT TO:** Chairman and Members
Committee of the Whole

**FROM:** James P. Bruzzese
General Manager, Corporate Services

**SUBJECT:**

1. **Declaration of Surplus Property – a one foot reserve, along the east side of Magnolia Dr., Hamilton, being Parts 1, 2 & 3, on a draft reference plan to be reg'd.**
2. **Offer to Purchase 1' foot reserve, Chedoke Health Corp. (CS00026)**

**RECOMMENDATION:**

***Based on a review of the Transition Board Guidelines, staff has concluded that Transition Board approval is not required in this instance.***

(a) (i) That a one foot reserve along the east side of Magnolia Drive in front of property owned by the Chedoke Health Corporation, being Part of Block "C", Plan M-84 (one foot reserve) designated as Parts 1, 2 & 3, on a draft Plan prepared by A.J. Clarke & Associates Ltd. dated July 20, 2000, in the City of Hamilton, be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049; and,

(ii) That Real Estate, Facilities Management Department, be authorized and directed to sell this property to the abutting property owner in accordance with the Real Property Sales Procedural By-law No. 95-049.

(b) (i) That an Offer to Purchase, executed by Chedoke Health Corporation, scheduled to close on or before November 8, 2000, being part of Block "C", Registered Plan M-84 (one foot reserve), designated as Parts 1, 2 & 3, on a draft Plan prepared by A.J. Clarke & Associates Ltd. dated July 20, 2000, having a frontage of 246.93 metres (810.14 feet) more or less, along the easterly limit of Magnolia Drive, be approved and completed and the funds derived from this sale of $2.00 be credited to Account No. COHAM 47702-100035 (Reserve for Property Purchases - Sales); and,

(ii) That the following clause inserted in the Offer to Purchase be approved: "Prior to the completion of this transaction, the Purchaser shall execute a subdivision agreement with the City of Hamilton/Region of Hamilton-

SUBJECT:

1. **Declaration of Surplus Property – a one foot reserve, along the east side of Magnolia Dr., Hamilton, being Parts 1, 2 & 3, on a draft reference plan to be reg'd.**
2. **Offer to Purchase 1' foot reserve, Chedoke Health Corp. (CS00026)**

Wentworth (Scenic Park South subdivision) which would address provision for payment of outstanding servicing costs related to the lifting of the subject 0.3 metre (one foot) reserve."
and,

(iii) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the Corporate Counsel; and,

(iv) That the Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(1) satisfactory notice has been given to the public of the intended sale, by inclusion of the real property sale in the agenda of the Council at which the intended sale is to be considered by Council; and,

(2) the real property intended to be sold is exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.

James D. Bruzzese

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

Effective January 1, 1995 the Municipal Act was amended by the Planning and Municipal Statute Law Amendment Act, 1994 requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality.

SUBJECT:

1. **Declaration of Surplus Property – a one foot reserve, along the east side of Magnolia Dr., Hamilton, being Parts 1, 2 & 3, on a draft reference plan to be reg'd.**
2. **Offer to Purchase 1' foot reserve, Chedoke Health Corp. (CS00026)**

On February 14, 1995 City Council adopted Item 8 of the 5th Report of the Finance and Administration Committee and enacted the Real Property Sales Procedural By-law No. 95-049.

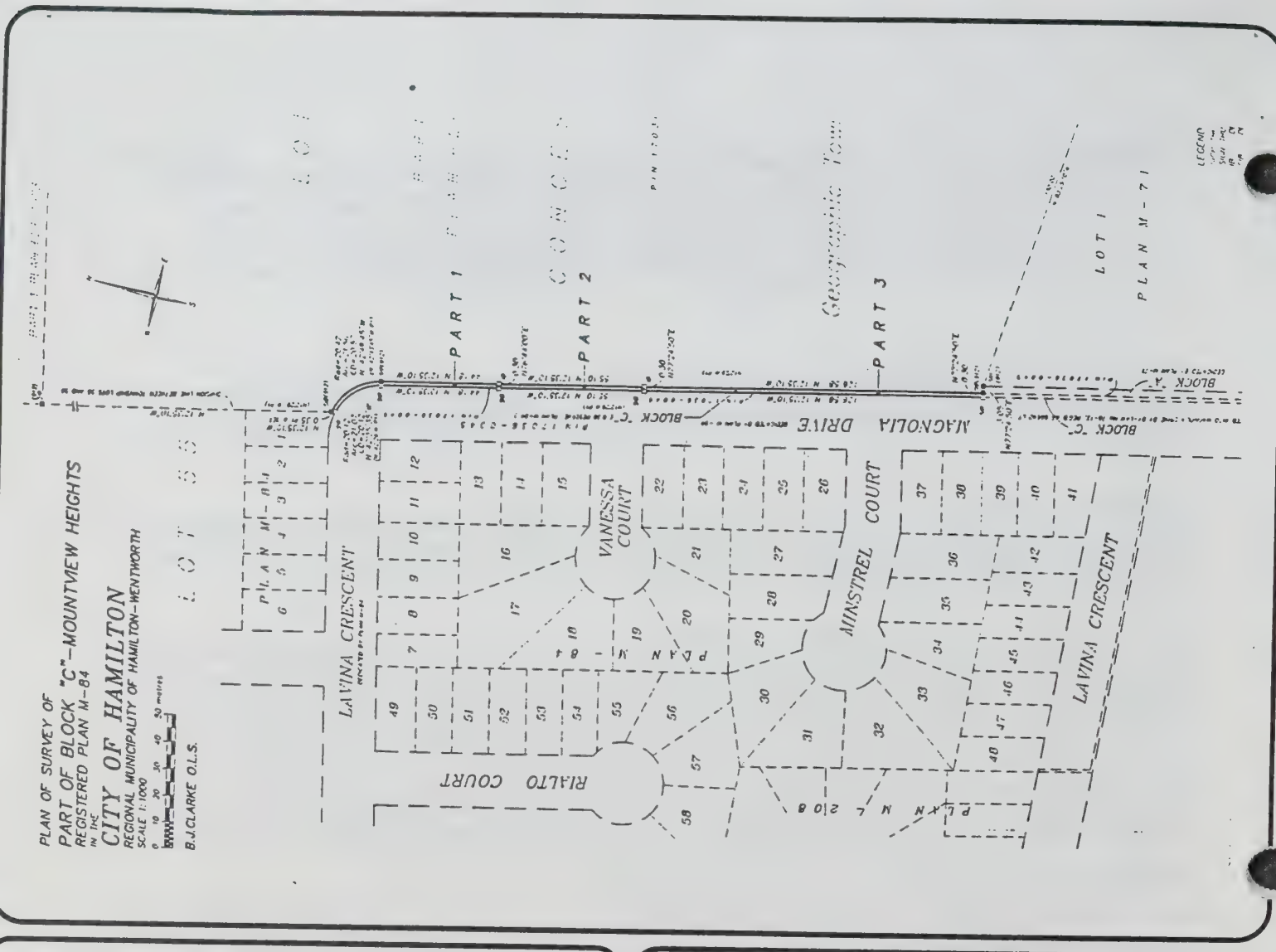
Section 3(a) of By-law 95-049 requires that all City owned real property intended to be sold be surplus to municipal requirements and if so, Council shall by by-law or resolution, declare the property to be surplus.

The purchaser, Chedoke Health Corporation, is the owner of the adjacent property to the east of the subject one foot reserve and has submitted a draft plan application for development of a low density residential subdivision referred to as "Scenic Park South". The first phase of the subdivision consists of 16 single family lots fronting onto the east side of Magnolia Drive and it is intended that the subject one foot reserve block will be incorporated into these lots. There are existing services along Magnolia Drive allowing for development of these lots immediately after approval of phase 1 of the subdivision.

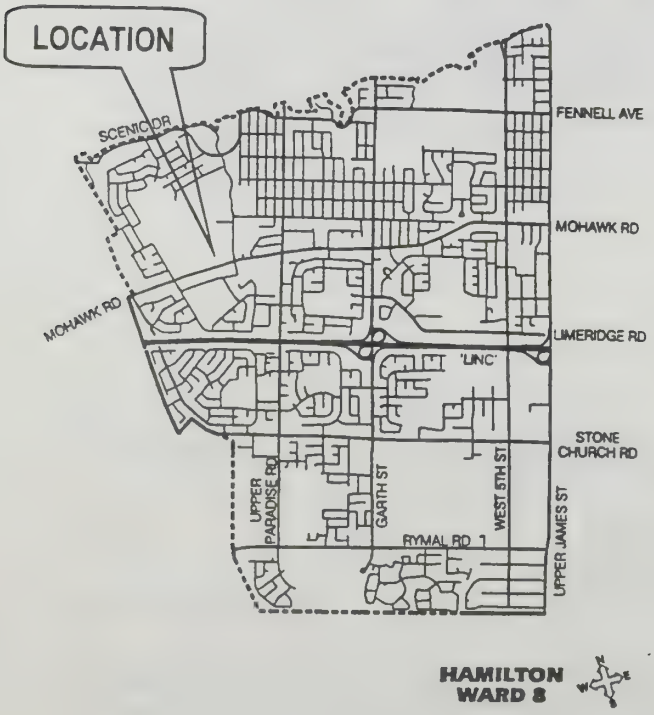
Notice of this property disposition was circulated to all City and Regional departments and there has been no declared municipal interest or objection, however, the Development Engineering Section stated that as part of the subdivision agreement process, the owner will be requested to pay any outstanding servicing costs to the City/Region in association with the lifting of the subject one foot reserve within the plan of subdivision. Thus, Clause 19 was added to the Offer to Purchase which requires the Purchaser to execute a subdivision agreement prior to the completion of the real estate transaction for the transfer of the one foot reserve in order that provision for payment of any outstanding servicing costs related to the lifting of the one foot reserve is satisfied.

KA

c.c. Alderman F. D'Amico, Alderman, Ward 8
Alderman D. O'Sullivan, Alderman, Ward 8
R. C. Roszell, Corporate Counsel, Legal Services Section
Attention: H. Vastis
Gord McGuire, Manager of Surveys, Roads Division
Eugene Chajka, Manager of Development Engineering




# KEY MAP




# LOCATION PLAN

## SALE OF ONE FOOT RESERVE
## East Side of Magnolia Drive, Hamilton

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Real Estate, Facilities Management Dept.

## LEGEND

**SUBJECT LAND**

| SCALE | DATE |
|---|---|
| NOT TO SCALE | 2000-08-16 |

REFERENCE FILE NO: **2000-043**

# CITY OF HAMILTON

# --RECOMMENDATION—

D-8

**DATE:** August 18, 2000
(1-45.19 & 1-45/98.2)

**REPORT TO:** Chairman and Members
City Committee of the Whole

**FROM:** Rand C. Roszell
Corporate Counsel

per

**SUBJECT:** -- Sheraton Hamilton Hotel – 116 King Street West, Hamilton
-- Hotel's Proposal to use driveway ramp into underground parking Garage for cars entering and exiting the garage
-- Application to City, as landlord, for consent to Proposal.
(LS00012)

**RECOMMENDATION:**

(a) That the City of Hamilton, as landlord of the Sheraton Hamilton Hotel, grant the following approvals to GGS Hotel Holdings Inc., our tenant:

(i) Firstly, pursuant to the Hotel Interface Agreement dated July 31, 1984 [section 14. (o)], City approval for GGS to terminate its Agreement with First Real Properties Ltd. and with Second Real Properties Ltd., (together referred to as "Yale"), under which cars parked in the Hotel's underground parking garage use Yale's premises for their egress route to King Street West, subject to the following conditions:

(1) our tenant, GGS, shall have obtained permission for cars to use the Hotel's driveway ramp as a two-way access pursuant to an Access Permit to the controlled access Regional highway known as King Street West. The Regional Municipality issues such Access Permits subject to safety & traffic conditions being fulfilled by the Applicant. GGS is required to keep in good standing the conditions of such Access Permit; and,

(2) our tenant, GGS, shall have obtained a minor variance to City Zoning By-law No. 6593, [section 18A. (24)(b)] to permit the Hotel garage's driveway ramp, (linking it to King Street West), to remain at about 3 metres in width, which is less than the minimum 5.5 metre width required by the Zoning By-law, and any other planning approvals as required by law; and,

(ii) Secondly, pursuant to the Ground Lease to GGS dated May 3, 1983 (section 6.04), City approval to GGS to alter the external appearance of the Hotel building by,

(1) adding a new sign "Sheraton" to replace the existing Sheraton "S" crest at the top of the Hotel building and re-locating the "S" crest to the opposite side of the Hotel; and,

(2) adding a canopy facade with the name "Sheraton", above the Hotel's main entrance;

(iii) Thirdly, pursuant to the Ground Lease to GGS dated May 3, 1983 (section 6.04), City approval to GGS to alter the operation of the driveway ramp to the garage, (an alteration to a mechanical system in or connected with the Improvements subject to City approval) to permit such driveway ramp to be used by cars in the Hotel's underground garage for both ingress and egress; and,

(b) That these approvals are conditional upon GGS entering into an approval agreement with the City in a form satisfactory to Corporate Counsel.

(c) That these approvals are conditional upon GGS making all changes and alterations in compliance with the requirements of: the Building Code; applicable Building permits; and site plan approval (where applicable) satisfactory to the Director, Land Development, Community Planning & Development Division.

(d) That the said approval to the Canopy facade above the main entrance, which projects over King St W, is subject to GGS entering into and fulfilling the requirements of an encroachment agreement with the Region. The City shall enter into such Agreement as the abutting landowner. The said canopy shall be removed by GGS in the event the Region requires its removal.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The City's tenant, GGS Hotel Holdings (Canada) Inc. is required by our May 3, 1983 Ground Lease and by the July 30, 1984 Hotel Interface Agreement to apply for and receive the City's approval as landlord to proceed with the above proposed adjustments to its underground parking garage access and to its proposed external signs.

As this application for the City's approval is part of the City's administration of the existing Ground Lease and the existing Hotel Interface Agreement and as this application does not involve the expenditure of City funds beyond December 31, 2000, **these Council decisions are not subject to approval of the Transition Board.**

**BACKGROUND:**

**(1) Hotel Parking Egress Route**

At the time of construction of the Sheraton Hamilton Hotel, the City, the Hotel and the City's lessees adjacent to the Hotel, (namely First Real Properties Ltd., Second Real Properties Ltd. and Fourth Real Properties Limited), entered into the Hotel Interface Agreement dated July 31, 1984.

The Hotel "Interface" Agreement is, in fact, an "inter-phase" agreement as it addresses a number of matters/facilities that are shared by the City's lessee, the Hotel with the other abutting long term City lessees in Lloyd D. Jackson Square.

The matters addressed in the Hotel Interface Agreement include subsidiary agreements for truck delivery access to the Hotel, underground parking and egress from the Hotel's underground parking garage. The Hotel Interface Agreement [section (14. (o)] provides that GGS may not terminate a subsidiary agreement with Yale, such as the said parking egress agreement, without the City's prior consent in writing.

In this regard, the Hotel's new General Manager, Mr. K. Khanna, has informed staff that the Hotel intends to cease using its existing parking garage's egress route and to use its present driveway ramp for ingress and egress — so as to provide Hotel guests with a higher level of service, including, 24 hour valet parking, increased parking security measures, improved lighting and access to the Hotel.

Further, it is the Sheraton Hotel's experience at the Toronto Sheraton that its 1,300 rooms are well served by its valet service operating that Hotel's garage of 100 parking spaces. The Hamilton Sheraton shall be in a better position with its 300 rooms served by the valet service operating about 70 space parking garage.

The condition of approval recommended above requiring the Hotel to apply for and receive an Access Permit from the Region means the Hotel will be required to satisfy the Region's highway safety access requirements and be required to submit for approval — plans detailing proposed alterations to the driveway ramp, including its traffic signs, traffic lights, pavement markings, lighting, gates, hours of operation, Hotel attendants on duty and training of Hotel valets.

The Hotel has retained a Traffic consultant to prepare these plans for approval. Further the Hotel has submitted to Traffic a satisfactory operations methodology for the use of the driveway ramp as a two-way access, which among other aspects, places only one valet at all time responsible for moving cars in and out of the garage. In this manner, there will be no traffic conflicts between incoming and exiting cars.

Based on the foregoing, the Real Estate Section and the Traffic Section have reviewed this tenant's proposals regarding the existing egress route to King Street West and, indicate that while using the Hotel driveway ramp for both ingress and egress is less

functional, these departments have are of the opinion that the City may, subject to the conditions of approval recommended above, approve these GGS proposals.

(2) **Proposed Hotel Signs on building**

It is a term of the City's May 3, 1983 Ground Lease of the Sheraton Hotel to GGS Hotel Holdings (Canada) Inc. that the tenant may not make alterations to the "external appearance of the Improvements which would change their appearance as originally constructed, without first obtaining the written approval of the Lessor (the City) which the Lessor (the City) agrees not to unreasonable withhold...".

The Real Estate Section have reviewed the proposed new signs, which are illustrated in the schedules attached to this Report, and are of the opinion that such changes do not affect the viability of the Hotel and are not inconsistent with the City's adjacent lessees' premises in Jackson Square. Accordingly, it is recommended above that the City grant its approval as landlord to the said proposed signage alterations to the Hotel building.

(DAP) Extn. 4642
Attachments

c.c. M. Hazell and Hart Solomon
Community & Traffic Parking Services
Public Works and Traffic Department

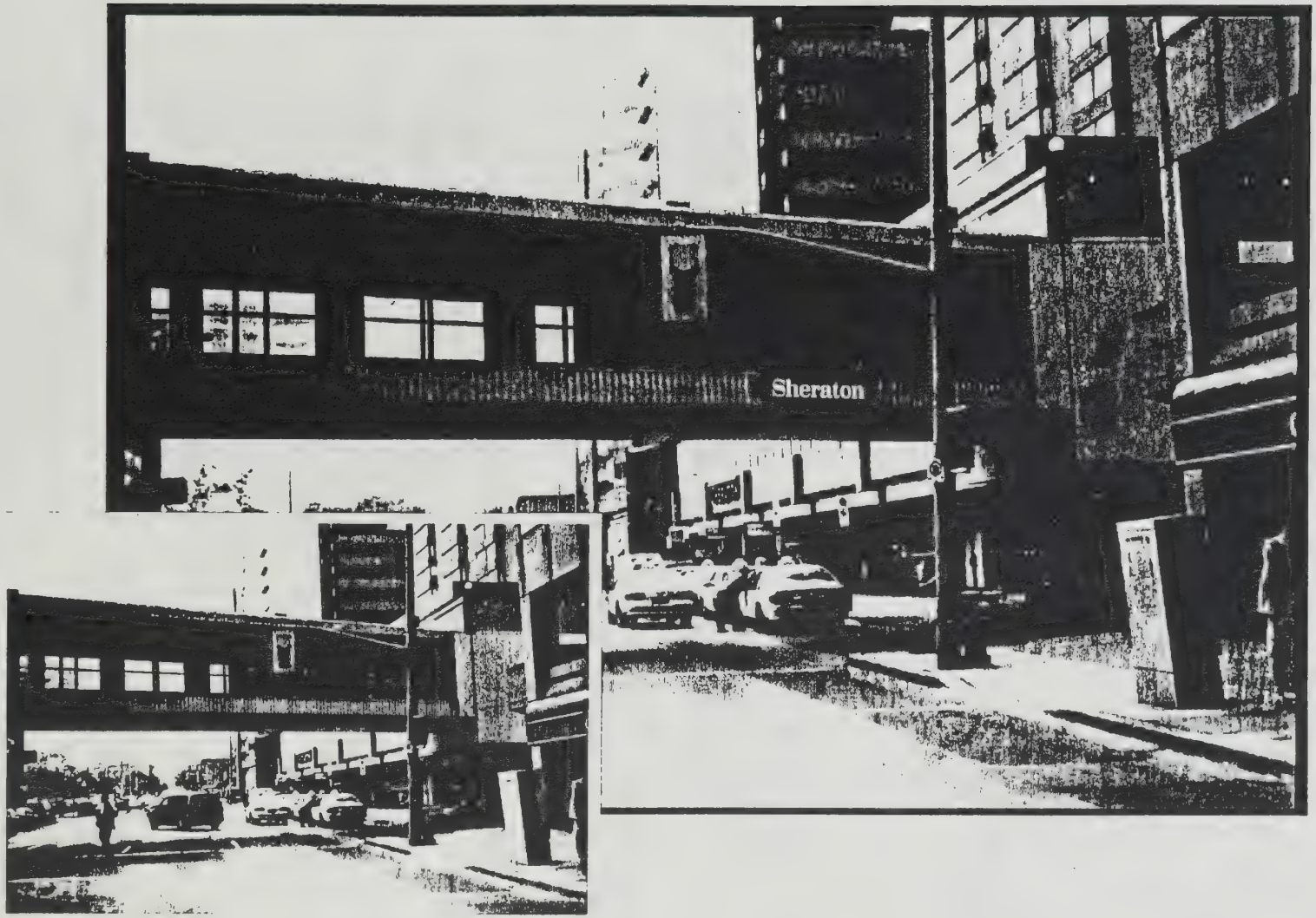
c.c. K. Nutley, Supervisor
Real Estate Section


Sheraton
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# HAMILTON PUBLIC LIBRARY BOARD

## - RECOMMENDATION -

D-9.

**DATE:** August 8, 2000

**REPORT TO:** Chairman and Members
Finance and Administration Committee

**FROM:** Ken Roberts
Chief Librarian

**SUBJECT:** Proposed Conveyance by the Canadian Imperial Bank of Commerce of 281 Herkimer St., Hamilton to the City of Hamilton

**RECOMMENDATION:**

(a) That the Canadian Imperial Bank of Commerce be advised that the City of Hamilton is prepared to accept title to 281 Herkimer St., Hamilton, Ontario through the execution of an Option to Purchase agreement in the amount of $2.00 by the CIBC subject to the following conditions:

(i) that the City of Hamilton provide to the Canadian Imperial Bank of Commerce a tax receipt, in accordance with the City's policy, equal to the appraised value of the property, said value to be satisfactory to the City of Hamilton.

(b) That upon completion of the transfer of 281 Herkimer St., Hamilton from the CIBC to the City of Hamilton, the property be made available to the Hamilton Public Library Board to be used as a branch library

(c) That the Hamilton Public Library Board be authorized to use monies from their trust accounts, namely the Special Gifts Fund (COHAM 125010) and Capital Endowment Fund (COHAM 125020) to fund the required renovations to 281 Herkimer St., Hamilton to convert it to a branch library

(d) That any funds received from the future disposition of the property located at 285 Locke St. be credited towards the trusts accounts that funded the renovations to 281 Herkimer St., Hamilton.

(e) That this report be forwarded to the Transition Board for the New City of Hamilton for their approval.

**BACKGROUND:**

Representatives for the Canadian Imperial Bank of Commerce (CIBC) contacted the Hamilton Public Library Board and have proposed conveying 281 Herkimer St., Hamilton to the City in consideration of a charitable tax receipt in the amount of the appraised value of the land.

CIBC is interested in pursuing the conveyance as it has closed the branch it operated at this location and anticipates that the property may be of use to the Hamilton Public Library Board as a branch library.

The Hamilton Public Library Board operates a branch library at 285 Locke Street that is two buildings away from the property to be conveyed. The current branch library building, which is very small and heavily used, is in need of expansion to continue to supply the same level of service. Since the current building cannot be expanded, the offer by the CIBC is very timely.

City staff has undertaken a review of the building and an estimate of cost to convert the former bank building to a branch library and ensure that it is meets the City's standards for disabled access has been developed. The estimated cost of $250,000 is to be funded from trust funds held by the Hamilton Public Library Board. One of the criteria for expenditures from the trust funds is "special building improvements".

Upon completion of the renovations to the CIBC property and relocation of the library branch to this building the former library building at 285 Locke Street will be circulated to all departments in order to declare the property surplus and then disposed of in accordance with Real Property Sales Procedural By-law 95-049. Any funds received from the disposition of the property would be credited to the trust accounts that funded the renovations.

As part of the consultation process between the three library boards undergoing amalgamation, both the Wentworth Libraries and Dundas Public Library Boards were informed of the proposed conveyance and recommended source of funding and they support the acquisition.

**Approval of the Transition Board for the New City of Hamilton is required for the recommendations contained in this report.**

c.c. Robert M. Morrow, Mayor
Alderman Mary Kiss
Alderman Marvin Caplan
Rick Male, Director of Accounting & Purchasing
Kevin Nutley, Supervisor, Real Estate Division
Elaine Holt, Assistant Corporate Counsel
Hoda Kayal, Co-ordinator of Planning & Design, Culture & Recreation

D-10

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** 17 August 2000

**REPORT TO:** Chairman and Members
Finance and Administration Committee

**FROM:** Tom A. Bradbury
Acting General Manager, Finance

**SUBJECT:** Authorization to enter into Extension Agreements on specific properties for the payment of realty tax arrears (FIN 00094)

**RECOMMENDATION:**

(a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the Corporate Counsel and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owners as outlined in Schedule "A" to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on June 28, 1994;

(b) That the attached by-law to authorize the said Extension Agreements be enacted by Council.

(c) That the Mayor and Municipal Clerk be authorized to execute the aforesaid by-law and extension agreements.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The execution of the by-law and agreements, where required, will defer the City's right to sell the lands for tax arrears for a maximum period of 24 months; however, the City will be in receipt of regular monthly payments towards current and prior years arrears over the term of the agreements.

This recommendation is not subject to Transition Board approval.

**BACKGROUND:**

Section 8 of the Municipal Tax Sales Act provides that the municipality, by a by-law passed after the registration of the tax arrears certificate and before the expiry of the one-year period for redemption, may authorize an extension agreement with the owner of the land extending the period in which the cancellation price is to be paid. On June 28, 1994, in accordance with this legislation, Council approved a policy authorizing the City to enter into extension agreements with taxpayers providing certain conditions were met.

The owner of a property which has been registered for tax arrears may request the City to consider an extension agreement at any time up to and including the final day on which the redemption period expires. Administratively, there may not be sufficient time to obtain the necessary Council approval of the by-law prior to this deadline. Accordingly, staff are requesting advance authorization for the City to enter into extension agreements, if necessary, with the owners of the above specific properties providing they meet the conditions outlined in the policy adopted by Council on June 28, 1994.

In certain instances when all of the conditions in the extension agreement policy are not met the General Manager, Finance should be allowed the latitude to recommend an extension agreement be entered into if it is deemed to be in the best financial interest of the municipality. Under these circumstances a separate report would be provided to the Committee for deliberation and approval.

During the initial months of this repayment option it has been ascertained that operational time constraints, e.g. writing of reports, council approvals, make it necessary to have the authorization to enter into these extension agreements pre-approved. Accordingly, in the month that the legislated final notices for the tax registration process are mailed out (280 days from the registration date), a listing of all those properties for which the owners may wish to enter into an extension agreement will be forwarded to Committee and Council for approval. Owners who show an interest in entering into an extension agreement with the City prior to the mailing of the final notices, will be added to the monthly reports required.

/WDD

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

**WHEREAS** the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

**AND WHEREAS** the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

**AND WHEREAS,** pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

**AND WHEREAS,** the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

**AND WHEREAS,** The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

**AND WHEREAS** the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

   (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and Municipal Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.

2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

**PASSED this 5th day of September 2000, A.D.,**

**MUNICIPAL CLERK** **MAYOR**

SCHEDULE "A"
EXTENSION AGREEMENTS

| | | |
|---|---|---|
| 1) | PROPERTY ADDRESS | 154 CATHARINE ST. S. |
| | SERIAL NUMBER | 02 01430 0460 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 2) | PROPERTY ADDRESS | 19 LOCKE ST. S. |
| | SERIAL NUMBER | 01 01015 1870 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 3) | PROPERTY ADDRESS | 101 HYDE PARK |
| | SERIAL NUMBER | 01 00810 7090 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 4) | PROPERTY ADDRESS | 107 ANNABELLE |
| | SERIAL NUMBER | 08 09710 5415 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 5) | PROPERTY ADDRESS | 2 FONTAINBLEU |
| | SERIAL NUMBER | 07 06520 1639 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 6) | PROPERTY ADDRESS | 495 KING ST E. |
| | SERIAL NUMBER | 03 02120 1780 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 7) | PROPERTY ADDRESS | 62 DUNCOMBE |
| | SERIAL NUMBER | 07 08210 4380 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 8) | PROPERTY ADDRESS | 6 PINE |
| | SERIAL NUMBER | 01 00940 0430 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 9) | PROPERTY ADDRESS | 279 BAY ST. N. |
| | SERIAL NUMBER | 002 01255 1180 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 10) | PROPERTY ADDRESS | 263 BAY ST. N. |
| | SERIAL NUMBER | 02 01255 1000 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 11) | PROPERTY ADDRESS | 275 BAY ST. N. |
| | SERIAL NUMBER | 02 01255 1150 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 12) | PROPERTY ADDRESS | 269 BAY ST. N. |
| | SERIAL NUMBER | 02 01255 1090 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 13) | PROPERTY ADDRESS | 271 BAY ST. N. |
| | SERIAL NUMBER | 02 01255 1120 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 14) | PROPERTY ADDRESS | 107 STUART |
| | SERIAL NUMBER | 02 01255 8570 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 15) | PROPERTY ADDRESS | 32 TIFFANY |
| | SERIAL NUMBER | 02 01255 7230 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |

**SCHEDULE "A"**
**EXTENSION AGREEMENTS**

16) PROPERTY ADDRESS — 388 BARTON ST E.
SERIAL NUMBER — 03 02150 1060
REDEMPTION DATE — OCTOBER 21, 2000

17) PROPERTY ADDRESS — 114 STRAWBERRY
SERIAL NUMBER — 05 04710 0866
REDEMPTION DATE — OCTOBER 21, 2000

18) PROPERTY ADDRESS — 450 CONCESSION
SERIAL NUMBER — 07 08160 6140
REDEMPTION DATE — OCTOBER 21, 2000

19) PROPERTY ADDRESS — 1831 MAIN ST. W.
SERIAL NUMBER — 01 00130 0310
REDEMPTION DATE — OCTOBER 21, 2000

20) PROPERTY ADDRESS — 121 JAMES ST. N.
SERIAL NUMBER — 02 01240 2840
REDEMPTION DATE — OCTOBER 21, 2000

21) PROPERTY ADDRESS — 1505 BURLINGTON ST. E.
SERIAL NUMBER — 04 03230 8490
REDEMPTION DATE — OCTOBER 21, 2000

22) PROPERTY ADDRESS — 43 MORLEY
SERIAL NUMBER — 05 04010 3530
REDEMPTION DATE — OCTOBER 21, 2000

23) PROPERTY ADDRESS — 534 UPPER JAMES
SERIAL NUMBER — 08 09120 0280
REDEMPTION DATE — OCTOBER 21, 2000

24) PROPERTY ADDRESS — 22 ROSEDALE
SERIAL NUMBER — 04 03410 0010
REDEMPTION DATE — OCTOBER 21, 2000

25) PROPERTY ADDRESS — 505 UPPER WENTWORTH
SERIAL NUMBER — 07 06740 0880
REDEMPTION DATE — NOVEMBER 2, 2000

26) PROPERTY ADDRESS — 12 AGINCOURT
SERIAL NUMBER — 04 03220 9240
REDEMPTION DATE — NOVEMBER 2, 2000

27) PROPERTY ADDRESS — 42 FONTHILL
SERIAL NUMBER — 08 10720 1694
REDEMPTION DATE — NOVEMBER 2, 2000

28) PROPERTY ADDRESS — 256 CAROLINE St. S.
SERIAL NUMBER — 02 01315 0790
REDEMPTION DATE — NOVEMBER 2, 2000

29) PROPERTY ADDRESS — 328 BARTON St. E.
SERIAL NUMBER — 03 02150 0580
REDEMPTION DATE — NOVEMBER 2, 2000

# CITY OF HAMILTON

## - RECOMMENDATION -

D-11

**DATE:** 2000 August 31

**REPORT TO:** Chairman and Members
City Committee of the Whole (F&A)

**FROM:** Ross L. Fair
General Manager
Community Services Division

for Ross Fair

**SUBJECT:** Request for Additional Financial Assistance
Lakeland Family Pool Association (CSC000125)

**RECOMMENDATION:**

a) That upon completion of the pool season on 2000 September 5, The Lakeland Family Pool Association (LFPA) make available to City staff for review its financial records for the Lakeland Pool's 2000 operating season; and,

b) That the General Manager of Finance be requested to identify funding in an amount equal to the operating deficit and that the amount not exceed $15,000; and,

c) That the LFPA submit a three year business plan aimed at achieving zero City subsidy, for consideration prior to the commencement of the 2001 operating season; and,

d) That the LFPA be required to return any future operating surpluses to the City, to the extent of the assistance provided.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**The recommendation contained in this report requires Transition Board approval.**

In 1999, the LFPA requested and received a grant of $35,000 from the City. The 1999 operations generated a surplus of $5,152.

On 2000 June 6, City Council approved a grant in the amount of $20,000 to the LFPA in anticipation of an equally successful year. However, poor weather conditions combined with a late start associated with making the pool conform to health regulations, resulted in a drastic reduction in participation. An estimated operating deficit of 15,000 is expected by the LFPA.

Staff are recommending that a grant equal to the operating deficit be approved (subject to review of the LFPA's financial records) and not exceed $15,000. This will avoid

having the LFPA return to the City should an additional $10,000 grant prove insufficient.

There are no legal implications arising out of this recommendation.

**BACKGROUND:**

On 2000 June 6, City Council approved a grant in the amount of $20,000 to the LFPA, for the 2000 operating season.

On 2000 August 18, a letter was forwarded to City Council by the LFPA, requesting additional funding in the amount of $10,000. The letter is attached as Schedule A.

On 2000 August 30, a special meeting of City Council was held and staff were directed to return to Committee with a report and recommendation.

The additional funding of $10,000 is being requested due to an unanticipated operating deficit. The deficit is due to a late opening which resulted from needed work undertaken to comply with health regulations. In addition, the poor weather this season caused a drastic reduction in participation numbers. Consequently, the funds are required to offset amounts owning by the LFPA.

Staff are recommending that the additional funding be provided. This recommendation is based upon the City's commitment to the patrons of the area as serviced through the LFPA. The earlier grant provision of $20,000 enabled the pool to operate and demonstrated the City's commitment for the 2000 operating season. Granting the additional funding will complete this commitment.

BM/JC/am

c.c. Ken Duncliffe, Director of Culture and Recreation
Rand Roszell, Corporate Counsel
Tom Bradbury, Acting General Manager of Finance

Schedule A

3.4

# LAKELAND FAMILY POOL ASSOCIATION

160 Van Wagners Beach Road
Hamilton, Ontario L8E 3L8
(905) 549-9970

August 18, 2000

TO: **HAMILTON CITY COUNCIL**

RE: **REQUEST FOR ADDITIONAL FUNDING**

**BACKGROUND:**

On July 18, 2000, Lakeland Pool finally opened to the public. This delayed opening caused numerous fincancial hardships for the pool. There was a **3-week** delay due to major deck repairs required to pass the *"Health Inspection"*. Last year with the help of ***El Nino*** we enjoyed a hot, humid and sunny summer. This year however, it has been the opposite. It has been one of the ***coldest and wet summers on record.*** On a hot sunny day with the temperature of *28 Celsius,* we average 350 people in the pool and see revenues in excess of )00.00. This has only happened three times this summer. Last year's attendance was 18,000 versus 3,415 so far this year.

**INCOME**

| | |
|---|---|
| City of Hamilton | $20,000.00 |
| Memberships, Gate, Snack bar | 6,214.52 *(to date)* |
| Columbia Chemicals | 1,000.00 |
| V.F.T. | 1,000.00 |
| Azurix | 300.00 |
| John Munro | 200.00 |
| Transtechnology Inc. | 180.00 |
| Tallman Engineering | 60.00 |
| Nufast | 60.00 |
| Bouling Metals | 25.00 |
| Ontario Works | 650.00 |
| Sub-total | $29,975.00 |
| | |
| Bank Balance | 3,600.00 |
| Projected Income | 8,500.00 |
| | |
| **Total Projected Income** | $42,075.00 |

## OPERATING EXPENSE PAID TO DATE

| | |
|---|---|
| Wages | $16,606.64 |
| Materials, supplies, rent | 8,836.00 |
| Insurance | 6,400.00 |
| Pool Chemicals | 800.00 |
| Sub total expenses | $32,642.64 |

## ACCOUNTS PAYABLE

| | |
|---|---|
| Life Guard Wages | 7,560.00 |
| Management | 3,000.00 |
| Deck Repairs | 2,116.89 |
| Paint | 4,400.00 |
| Pool Chemicals | 2,500.00 |
| Hydro | 2,400.00 |
| Bell Telephone | 400.00 |
| Septic Charges | 715.00 |
| Office Trailer Rental | 600.00 |
| Water Charges | 747.10 |
| **Total Expenses Payable** | **24,438.99** |

**MMARY:**

keland Pool provides economical summer swimming for people of the community and surrounding areas as ll as offering *free family passes* for families with disabilities. We have completed costly major repairs on the l, basin and deck. Our "***Ontario Works***" is the most successful project in the region.

corporate and community support was overwhelming. With excellent press coverage from local media, the ts in kind" totaled in the thousands. They cared and understood. Many Non-Profit groups use our facility.

summer marked the **"Pool's 40th Birthday"**. Unfortunately, we are in financial duress.

objectives for fall and winter 2000 / 2001 will be to undertake numerous fund raising projects as well as an cation to the ***Trillium Foundation*** for our operational costs for the *"2001 Season"*.

**UEST:**

e requesting further assistance from the taxpayers of Hamilton. We originally requested $30,000.00 and ed $20,000.00. We are hoping that the original amount could be provided to us which would mean that ceive $10,000.00 at this time.

you for your time and consideration.

incerely,

le Austin

ustin
Manager L.F. P.A.

CITY OF HAMILTON AND
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

K.C.CHRISTENSON
Municipal Clerk

**Corporate Services**
**Office of the Municipal Clerk**
Telephone (905) 546-2700
Facsimile (905) 546-2095

D-12

August 11, 2000

FAXED to 628-5077

Ms. Susan L. Steele
Town Clerk
Town of Dundas
Town Hall
60 Main Street, P.O.Box 8584
Dundas, Ontario
L9H 5E7

Dear Ms. Steele:

**Re: "Committee" to Guide "New" Council**

This will confirm that Hamilton City Council, at its meeting held Wednesday, August 9th, 2000 were in receipt of your correspondence dated July 26, 2000 respecting the above noted matter.

Please be advised that Council referred this matter to its Finance and Administration Committee for consideration.

This item will be considered by the Committee of the Whole as part of the Finance and Administration Committee portion of the COW agenda to be held on Tuesday, September 5th, 2000.

Trusting that this confirmation is of assistance to you.

Yours very truly,

S.K. Reeder

Susan K. Reeder
Acting Municipal Clerk

Cc Finance and Administration Committee

CORPORATION OF THE TOWN OF DUNDAS

OFFICE OF THE
TOWN CLERK

TOWN HALL, 60 MAIN STREET, P.O. BOX 8584, DUNDAS, ONTARIO L9H 5E7
TELEPHONE: (905) 628-6327 FAX: (905) 628-5077

July 26, 2000

Mr. K. Christenson
Acting Municipal Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: "Committee" to Guide "New" Council
Our File C00

Dear Ms. Christenson:

Please be advised that the above noted matter was considered by the General Government Committee on July 17, 2000 at which time the attached recommendation was made.

The Town Council endorsed this Committee recommendation at its meeting on July 17, 2000.

Would you please present this resolution to your Council for consideration.

Yours very truly,

S. L. Steele/per dm

Ms. Susan L. Steele, A.M.C.T.
Town Clerk

SLS/dm

Encl.

July 17, 2000

**Council**
**General Government Committee Report #7-00**

8. Whereas the Province of Ontario, by imposition of a Transition Board on the Regional Municipality of Hamilton-Wentworth and through its subsequent actions has dramatically eroded democratic rights and the public process that has come to be expected by the residents of the Town of Dundas and the five other area municipalities;

Therefore be it resolved that a committee comprised of residential, labour, political and business (retail, commercial, industry) representation from the six area municipalities with the support of relevant staff (as required) be established to investigate and where deemed appropriate, recommend a course of action to assist and guide the "new" Council in its formative years. Through public dialogue and a totally transparent process, the "committee" shall report its findings collectively to all municipal councils on or before October 31, 2000.

And further that a copy of this resolution be forwarded to the Township of Glanbrook, Towns of Ancaster and Flamborough and the Cities of Hamilton and Stoney Creek to request their endorsement and participation.

CANADIAN FOOTBALL HALL OF FAME & MUSEUM
58 JACKSON STREET WEST, HAMILTON ONTARIO L8P 1L4 PHONE (905) 528-7566
FAX (905) 528-9781

July 25th, 2000

D-13.

Finance and Administration Committee
Ms. Susan Reeder
City Hall
71 Main Street
Hamilton, Ontario

Dear Ms. Reeder:

We invite you to participate in our *"Gala 2000 Induction Weekend"* which promises to be the biggest and best ever. The Canadian Football Hall of Fame's 28th Annual Induction Weekend will be held in Hamilton, Ontario from September 28th - September 30th, 2000. Our weekend encourages members of the public to join in the scheduled events such as the Formal Induction Dinner, the 5th Annual Legends On The Links Celebrity Golf Tournament, the Inductee Bust Unveiling and the Hall of Fame Football Game.

This year we will be inducting five individuals. The year 2000 inductees are:

***Danny Bass (Player) - Edmonton Eskimos***
***Hugh Campbell (Builder) - Edmonton Eskimos***
***Grover Covington (Player) - Hamilton Tiger-Cats***
***James Murphy (Player) - Winnipeg Blue Bombers***
***Dave Raimey (Player) - Winnipeg Blue Bombers and Toronto Argonauts***

A detailed schedule of events and the registration information for the *"Gala Induction Dinner 2000* and *the Celebrity Golf Tournament"* are enclosed for your completion. Our host hotel for year 2000 is the Sheraton Hamilton Hotel. You can make reservations directly with the hotel by calling 1-800-514-7101. Please tell them you are with the Canadian Football Hall of Fame and Museum Induction Weekend to ensure the special rate of $77.00/night plus applicable taxes.

By supporting the Canadian Football Hall of Fame and Museum, your contribution will be tax receipted as outlined in the registration package. Proceeds from the Induction Weekend events are directed to the public programs, such as the education programs and in-house/off-site exhibitions which promote the history of all levels of Canadian Football.

The City of Hamilton has purchased a table in the past few years and we would appreciate your contribution and continued support of our weekend. Please come and support ***Induction Weekend 2000***, and help us recognize the achievements of some of Canada's finest football heroes. If you have any questions pertaining to the inductees or the scheduled events, please contact Janice Smith, Managing Director, at (905) 528-7566.

Sincerely,

Reg Wheeler
Chairman, Induction Committee

4 Office
4 Office Automation Ltd.

D-15
(a.)

August 21, 2000

Finance and Administration Committee Chairman:

Attn: Alderman Dave Wilson & Committee Members

City of Hamilton and
Regional Municipality of
Hamilton-Wentworth
71 Main St. West, 2nd Floo
Hamilton, Ont. L8N 3T4

Forwarded to the Members of the Finance and Administration and Finance and Administrative Services Committees, J. Bruzzese. Acting City Manager, W. Davis, Manager, Corporate Communications and R. Male, Director of Accounting and Purchasing, Finance Department on Tuesday, August 22nd, 2000.

Re: R.F.I. C4-2-00
Print and Fleet Asset
Management Strategy

Dear Mr. Chairman & Committee Members:

I am writing to request you and the members of the committee reverse your decision to combine the Centralized Print Shop and Decentralized Convenience Copier/Printer requirement into one Request For Proposal.

When you assigned points to the various R.F.I. responses that did not include pricing it should be no surprise that one vendor outscored the field by a wide margin. Xerox is the only company that provides Print Shop expertise *and* hardware *and* a complete range of convenience copiers *and* have been successful in securing some high-profile Facilities Management contracts.

Unfortunately, if you insist on awarding your business to one vendor that has the demonstrated ability to do it all; there can only be one choice - Xerox.

On the other hand, by separating the Print Shop and Facilities requirement from the Convenience Copier/Printer Fleet you broaden your options *dramatically*.

May I suggest that you first request Xerox, McMaster and other interested parties put their proposals forth, with their recommendations, to revamp your centralized print operations and F.M. strategy. Second, under a separate R.F.P. invite all the traditional copier fleet providers to bid on your decentralized requirement.

In fact, you may be wise to put this second R.F.P. aside until you have first selected the Centralized Print and Facilities Management provider in order to be sure the Decentralized Fleet specifications and quantities are in concert with the overall print and fleet asset strategy developed jointly by yourselves and the successful provider.

**Administration Office**
375 Britannia Road East,
Mississauga, Ontario
L4Z 3E2
Phone (905) 501-1500
Fax (905) 501-1515

**Ottawa Regional Office**
2615 Lancaster Road, #2
Ottawa, Ontario
K1B 5N2
Phone (613) 248-1500
Fax (613) 248-1501

**Hamilton/Niagara Regional Office**
Lakeside Plaza
461 Green Road, #2
Stoney Creek, Ontario L8E 5B4
Phone (905) 662-0700
Fax (905) 662-5231

Toronto (416) 4 OFFICE
(416) 463-3423
Brantford (519) 752-1200
Burlington (905) 336-4090
Oshawa (905) 721-8341

4 Office

4 Office

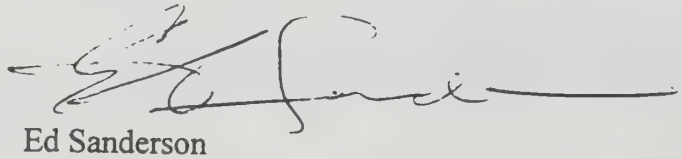
Since there is a wide array of decentralized copier/printer fleet providers - you are assured of a true competition for your business and a wider choice of options and value-added features simply not available from one source.

More importantly, it assures you are exposed to the most *cost-effective* solutions the industry can offer. Not an insignificant concern in these trying times of cutbacks and cost restraints.

Interestingly, Peel Region recently went through an almost identical process in issuing an R.F.P. for their similar requirement. Fortunately, after realizing their mistake, they reconsidered and have decided to issue two separate R.F.P.'s instead.
I'm sure that I speak on behalf of all my worthy competitors (except Xerox) when I urge the committee to open the competition for your business by issuing two separate R.F.P.'s.

Your comments are welcome. I can be contacted by phone at (905) 336-4090 ext. 2140 or my e-mail address is ed.sanderson@4office.com

Regards,
**4 OFFICE AUTOMATION LTD.**



Ed Sanderson
Major Account Executive

ES/sc

# CITY OF HAMILTON
# REGION OF HAMILTON-WENTWORTH

D-15
(b.)

## - INFORMATION -

**DATE:** July 19, 2000

**REPORT TO:** Chairman and Members
City Finance & Administrative Committee

Chairman and Members
Region Finance & Administrative Services Committee

**FROM:** Allan C. Ross
General Manager of Finance

**SUBJECT:** Pension Funds Equity Increasing Global Exposure, Decreasing Canadian (FIN00092)

Allan C. Ross

**SUSTAINABLE DEVELOPMENT IMPLICATIONS:**
(Vision 2020, adopted by Regional Council as their vision for the future of Hamilton-Wentworth, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all regional decision-making)

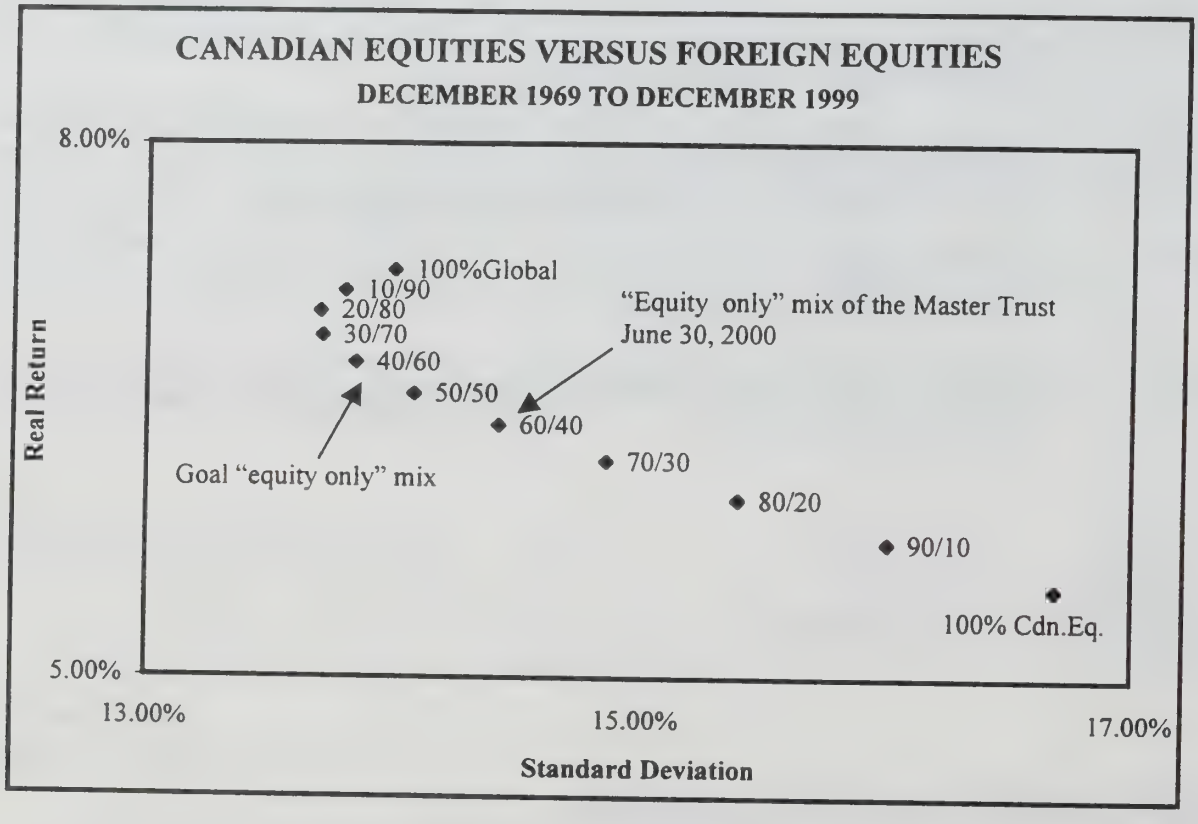
**BACKGROUND:**

The Finance Department on recommendation of the Investment Branch and the Funds Consultant, James P. Marshall, is altering the Global (non-Canadian) equity/Canadian equity mix in the HHWR Master Trust. The Canadian equity weight will fall to 25% of the total Fund from its current 35% with this money being transferred to the Global Equity Program. This change will take several months to complete to ensure performance results are minimally affected by the actual transfer of assets.

It is prudent to continue to diversify the Pension Fund equity holdings globally. The Fund directly benefits from the globalization of industries and companies worldwide, and a Global Equity Manager can find the best companies and investments around the globe. By making investments in companies worldwide, a Manager can add significant value to a Pension Fund portfolio. While the Canadian equity market remains an attractive asset class, merger and acquisition activity continues to decrease the number of large company opportunities our Fund has to invest in.

Copy send to Chairman and Members, Finance and Administration Committee, Chairman and Members Region Finance and Administrative Services Committee, A. Ross, General Manager, Finance, Chairman and Members, Hamilton-Wentworth Retirement Fund Pension Administration Committee, Chairman and Members HSR Pension Administration Committee and Chairman and Members, Hamilton Municipal Retirement Fund Pens on Admi
Committee on July 20th 2000

An equity mandate with higher foreign content than our Funds currently hold should over time increase returns for our Pension Funds and actually decrease risk. The following chart illustrates this:




Of the total equity position in the Fund (ignoring fixed income and cash), about 58% of the equity position is currently held in Canadian equities and 42% is held in Global (World ex Canada) equities. When we move to our goal of 42% Canadian equities and 58% Global equities, we will increase return and decrease risk over time. The total Fund asset mix will be 40% fixed income/25% Canadian equites/35% Global equities when this change is complete.

Cc: Chairman and Members
Hamilton-Wentworth Retirement Fund
Pension Administration Committee

Chairman and Members
HSR Pension Administration Committee

Chairman and Members
Hamilton Municipal Retirement Fund Pension
Administration Committee

# CITY OF HAMILTON/
# REGION OF HAMILTON-WENTWORTH

D-15
(c.)

## - INFORMATION -

**DATE:** July 18, 2000

**REPORT TO:** Chairman and Members
City Finance & Administrative Committee

Chairman and Members
Region Finance & Administrative Services Committee

**FROM:** Allan C. Ross
General Manager of Finance

**SUBJECT:** Pension Funds Canadian Equity Index Program: Transfer of Funds from S&P/TSE 60 Index Program to TAL Pooled Canadian Equity Index Fund (FIN00089)

Allan C. Ross

**SUSTAINABLE DEVEL**
(Vision 2020, adopted by Regional sustainable community which is an decision-making)

Copy send to Chairman and Members, Finance and Administration Committee, Chairman and Members Region Finance and Administrative Services Committee, A. Ross, General Manager, Finance, Chairman and Members, Hamilton-Wentworth Retirement Fund Pension Administration Committee, Chairman and Members HSR Pension Administration Committee and Chairman and Members, Hamilton Municipal Retirement Fund Pension Administration Committee on July 28th, 2000.

**BACKGROUND:**

The Canadian Index Equity Program has been very successful and cost effective for the City/Region pension funds in meeting their investment goals. Recently changes to the Pension Funds Canadian index vehicles and changes to the composition of the Canadian stock market benchmark index (the TSE 300) motivate some prudent changes to this program. The Finance Department, on recommendation of the Investment Branch and the Funds' Investment Consultant, James P. Marshall, has concluded an investigation of its Canadian Index Equity Program by selecting TAL Global Asset Management Pooled Canadian Index Fund as the vehicle of choice. This Index Fund will provide better replication of the Index going forward at lowest cost and better diversification.

The Canadian Equity Index position originally obtained for Hamilton Street Railway Pension Fund and the Hamilton-Wentworth Retirement Fund (and converted to the Master Trust in November 1999) was in the form of TSE 35 Index Participation Units (TIPS) administered by the Toronto Stock Exchange. The TIPS were traded and managed by the Investment Branch of Finance and were excellent performers for the pension funds returning 21.5% per year over four years, beating the TSE by 2.1% per year at low cost.

**SUBJECT:** Pension Funds Canadian Equity Index Program: Transfer of Funds from S&P/TSE 60 Index Program to TAL Pooled Canadian Equity Index Fund (FIN00089)

The Toronto Stock Exchange recently replaced this program with S&P/TSE 60 Canadian Index Units. The new units trade on the exchange under the symbol "XIU". While the XIU's trade on the exchange as the old TIPS did and are quite liquid, the new program has two significant disadvantages to the City/Region Pension Funds:

1) While the original TIP program was administered by the Toronto Stock Exchange for a very low cost, the management of the new index program is administered by an outside manager (Barclays Global Investor) resulting in a much higher cost. We can appoint an index manager at a fraction of this cost.

2) Because of the success of Nortel (formerly Northern Telecom) the weighting of this single stock in the TSE 60 is far higher than the TSE 300, resulting in potential diversification concerns and performance concerns going forward.

Prudence demands a change to better reflect the TSE 300 Index and achieve diversification and cost savings. To avoid adding more external managers at greater expense to the fund, it makes sense to look at our existing managers and particularly our Canadian Index managers. TAL Global Asset Management currently manages the Bond Index Program for the City/Region Pension Funds. TAL Global Asset Management currently manages over $50 billion in total assets (at March 31, 2000) and has approximately $950 million under management in indexed Canadian equities and almost $11 billion under management in active Canadian equities. The sum of the tracking equals 0.41% performance over the TSE from September 1997 – March 2000. This positive tracking indicates over time the fund actually outperformed its benchmark, making it a very acceptable vehicle for the City/Region Funds.

| Quarter | TAL Pooled Canadian Equity Index Fund | TSE 300 | Tracking Error |
|---|---|---|---|
| September 1997 | 9.76 | 9.76 | 0.00 |
| December 1997 | -4.17 | -4.45 | 0.28 |
| March 1998 | 13.35 | 13.25 | 0.10 |
| June 1998 | -2.13 | -2.16 | 0.03 |
| September 1998 | -23.48 | -23.46 | -0.02 |
| December 1998 | 16.01 | 16.04 | -0.03 |
| March 1999 | 2.12 | 2.12 | 0.00 |
| June 1999 | 6.65 | 6.65 | 0.00 |
| September 1999 | -0.43 | -0.36 | -0.07 |
| December 1999 | 21.42 | 21.37 | 0.05 |
| March 2000 | 12.86 | 12.79 | 0.07 |

**SUBJECT:** Pension Funds Canadian Equity Index Program: Transfer of Funds from S&P/TSE 60 Index Program to TAL Pooled Canadian Equity Index Fund (FIN00089)

Costs are another consideration in the selection of investment managers and by utilizing our current Bond Index manager with this mandate, both mandates will be managed by TAL for a combined average fee of about 7 basis points, according to their current fee schedule. Given most indexed mandates start at 10 basis points this is very cost effective and a savings of 10 basis points over our current index product.

We have reviewed our current strategy with James P. Marshall, the Funds' Investment Consultant, and they are in agreement with this change.

cc: Chairman and Members
Hamilton-Wentworth Retirement Fund
Pension Administration Committee

Chairman and Members
HSR Pension Administration Committee

Chairman and Members
Hamilton Municipal Retirement Fund
Pension Administration Committee

D-15
(d.)

# TOWN OF ANCASTER

300 Wilson Street East, Ancaster, Ontario L9G 2B9, General Inquiry (905) 648-4475, Fax (905) 648-3557

**TO:** ALL ONTARIO MUNICIPALITIES

**FROM:** THE COUNCIL OF THE CORPORATIO OF THE TOWN OF ANCASTER

**SUBJECT:** RESOLUTION – SURVIVIAL OF THE ONTARIO CASH CROP PRODUCERS THROUGH AGRICORP

**DATE:** JULY 25TH, 2000

---

Please be advised that the Council of the Corporation of the Town of Ancaster at its Committee of the Whole meeting, Monday, July 10th, 2000, passed the following resolution dealing with survival of the Ontario cash crop producers through Agricorp.

WHEREAS fusarium mould has rendered the Southern Ontario wheat crop worthless.

WHEREAS the month of June was the wettest June on record.

WHEREAS up to 25% of the land did not get planted this spring.

WHEREAS soybean prices are 25% below the 5 year average.

WHEREAS corn prices are 25% below the 5 year average.

WHEREAS the escalation of petroleum prices has driven crop inputs up severely.

WHEREAS the Ontario producers must compete with heavily subsidized countries and continents.

NOW THEREFORE BE IT RESOLVED that the Town of Ancaster request that the Provincial and Federal Governments intervene immediately to ensure the survival of the Ontario cash crop producers through Agricorp and ask that the municipalities in the Hamilton-Wentworth Region as well as other municipalities in Ontario support this resolution.

CARRIED.

Dated at the Town of Ancaster, in the Regional Municipality of Hamilton-Wentworth this 25th day of July, 2000.

Sharon Vize

Sharon Vize, Deputy Clerk



This material is provided under contract as a paid service by the originating organization, and does not necessarily reflect the views or positions of the Association of Municipalities of Ontario (AMO), its

D-15
(e)

# CITY OF HAMILTON

# - INFORMATION -

**DATE:** 20 July 2000

**REPORT TO:** Chairman and Members of the
City Committee of the Whole

Chairman and Members of the
Regional Committee of the Whole

**FROM:** Allan C. Ross
General Manager, Finance

**SUBJECT:** Sale of Tax Arrears Properties (FIN00091)

**BACKGROUND:**

In accordance with the provisions of the Municipal Tax Sales Act, a total of 9 tax arrears properties were advertised to be sold by public tender on July 18, 2000.

Attached is a listing showing the disposition of those properties as of that date. You will note that 3 properties were redeemed prior to the tax sale, 4 were sold and 2 now vest with the city as no tenders were received.

The tax arrears on those properties will be recommended to City Council for write off. A portion of these arrears will subsequently be charged back to the Region and the Boards of Education in order to recover the deficiency amount previously credited to these bodies.

It is anticipated that the City will be in a position to conduct a further sale of properties for tax arrears in October or November of 2000.

WDD/

City of Hamilton
Finance

Disposition of Tax Arrears Properties Offered For Sale By Public Tender
Sale Date July 18, 2000

| | Address | Type of Property | Comments |
|---|---|---|---|
| 1) | 1373 Main St. E. | Vacant Land | No bids-Vests with City |
| 2) | 130 Stapleton Ave. | Residential | No bids-Vests with City |
| 3) | 727 Barton St. E. | Multiple | Sold at Sale |
| 4) | 729 Barton St. E. | Multiple | Sold at Sale |
| 5) | 11 Ellis Ave. | Residential | Redeemed Prior to Sale |
| 6) | 32 Britannia Ave. | Residential | Redeemed Prior to Sale |
| 7) | 7 Rowanwood St. | Residential | Sold at Sale |
| 8) | 118 Steven St. | Residential | Redeemed Prior to Sale |
| 9) | 515 Main St. E. # 3 | Residential | Sold at Sale |

D-15
(f.)

# CITY OF HAMILTON

## - INFORMATION -

**DATE:** July 21, 2000

**REPORT TO:** Chairman and Members
Finance and Administration Committee

**FROM:** Glen Peace
Fire Chief

**SUBJECT:** 1999 Hamilton Fire Department Annual Report

**BACKGROUND:**

Please find attached for your consideration the 1999 Annual Report of the Hamilton Fire Department.

This report is submitted as per the requirements of By-law 68-34.

Glen Peace

GP/so
Attachment



# BILLS

## CITY OF HAMILTON
## CITY COUNCIL

**Tuesday, September 5, 2000**

**Hamilton Convention Centre**
**Chedoke Room**

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| | |
|---|---|
| A-048 | A By-law to Incorporate city land designated as Part 20 on Plan 62R-12060 into Chedmac Drive. |
| A-049 | A By-law to Incorporate city land designated as Block 73 on Plan 62M-747 into Falconridge Drive. |
| A-050 | A By-law to Incorporate city land designated as Block 52 on Plan 62M-850 into Hepburn Crescent. |
| A-051 | A By-law to Amend By-law No. 89-72 to Regulate Traffic. |
| A-052 | A By-law to Amend By-law No. 89-72 to Regulate Traffic. |
| C-060 | A By-law to Amend By-law No. 96-138 Respecting the appointment of Inspectors |
| D-033 | A By-law to Authorize an Extension Agreement for payment of Realty Tax Arrears. |
| D-034 | A By-law to Repeal By-law No. 92-138. |
| D-035 | A By-law to Amend By-law No. 99-094. |
| D-036 | A By-law to Appoint a Temporary Acting Treasurer for the Corporation of the City of Hamilton. |
| D-037 | A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton. |

Bill No. A-048

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 20 ON PLAN 62R-12060
INTO CHEDMAC DRIVE

**WHEREAS** the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

**AND WHEREAS** the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Chedmac Drive within its limits;

**AND WHEREAS** the said land is owned by the Corporation of the City of Hamilton.

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Chedmac Drive.

   Part of Lot 56, Concession 2, geographic Township of Ancaster, designated as Part 20 on Plan 62R-12060,

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this day of September A.D. 2000.

Acting Municipal Clerk

Mayor

Bill No. A-049

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 73 ON PLAN 62M-747
INTO FALCONRIDGE DRIVE

**WHEREAS** the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

**AND WHEREAS** the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Falconridge Drive within its limits;

**AND WHEREAS** the said land is owned by the Corporation of the City of Hamilton.

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Falconridge Drive.

   Block 73 on Plan 62M-747,

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this day of September A.D. 2000.

Acting Municipal Clerk

Mayor

Bill No. A-050

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 52 ON PLAN 62M-850
INTO HEPBURN CRESCENT

**WHEREAS** the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

**AND WHEREAS** the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Hepburn Crescent within its limits;

**AND WHEREAS** the said land is owned by the Corporation of the City of Hamilton.

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Hepburn Crescent.

   Block 52 on Plan 62M-850,

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this day of September A.D. 2000.

Acting Municipal Clerk Mayor

Bill No. A-051

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

**WHEREAS** Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

**AND WHEREAS** Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

**AND WHEREAS** on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law 89-72, as amended;

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

| | | | | | |
|---|---|---|---|---|---|
| "Peter | South | Hess to 55 feet westerly | 1/2 hr | 8 am - 8 am (24 hrs) | Mon - Sun |
| Depew | East | Beach to southerly end | 3 hr | 8 am - 8 am (24 hrs) | Mon - Sun |
| Owen | Both | King to Cromwell | 2 hr | 9 am - 5 pm | Mon - Fri" |

2. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

| | | | | |
|---|---|---|---|---|
| "Depew | East | Beach to Gertrude | | Anytime |
| Avondale | East | Mons to the Canadian National Railway Main Line | | Anytime |
| Roxborough | South | Graham to 75 feet easterly | 8 am - 4 pm | Mon - Fri" |

and by deleting therefrom the following items, namely:-

| | | | | |
|---|---|---|---|---|
| "Depew | East | Gertrude to southerly end | | Anytime |
| Avondale | West | Mons to C.N.R. Main Line | | Anytime |
| Roxborough | South | Graham to Houghton | 8 am - 4 pm | Mon - Fri" |

3. That **Schedule 27 (Alternate Side Parking)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following item, namely:-

| | | | |
|---|---|---|---|
| "Nelligan Place<br>Erin Avenue to Easterly End | | North | South" |

4. That **Schedule 34 (Sticker Permit Parking)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

| | | | |
|---|---|---|---|
| "Tisdale | East | commencing 142 feet south of Main and extending 17 feet southerly therefrom | Anytime |
| Tisdale | West | commencing 120 feet south of Main and extending 17 feet southerly therefrom | Anytime |
| Rosslyn | West | commencing 63 feet north of Campbell and extending 22 feet northerly therefrom | Anytime |
| Park Row | East | commencing 124 feet south of Main and extending 21 feet southerly therefrom | Anytime" |

and by deleting therefrom the following items, namely:-

| | | | |
|---|---|---|---|
| "Rosslyn | East | commencing at a point 216 feet north of Cannon to a point 26 feet northerly therefrom | Anytime |
| Avondale | West | commencing 279 feet north of Beechwood and extending 19 feet northerly therefrom | Anytime |
| Avondale | East | commencing 285 feet north of Beechwood and extending 18 feet northerly therefrom | Anytime |
| Cedar | East | commencing 121 feet north of Cumberland and extending 20 feet northerly therefrom | Anytime" |

5. In all other respects By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.

6. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this day of September, 2000.

ACTING MUNICIPAL CLERK

MAYOR

Bill No. A-052

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

**WHEREAS** Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

**AND WHEREAS** Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

**AND WHEREAS** on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law 89-72, as amended;

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

| | | |
|---|---|---|
| "Quincy | Eastbound | Rochelle |
| Goldstrum | Eastbound | Greeningdon |
| Sirente | Eastbound and Westbound | Cyprus |
| Ramsden | Northbound | Rowntree" |

2. That **Schedule 29 (No Stopping Areas)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

| | | | |
|---|---|---|---|
| "Gateview | South | West 5th to 94 feet easterly | Anytime" |

3. That **Schedule 35 (Wheelchair Loading Zones)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

| | | | | |
|---|---|---|---|---|
| "Park Row | East | 21 feet | 79 feet south of Roxborough | Anytime" |

and by deleting therefrom the following items, namely:-

| | | | | |
|---|---|---|---|---|
| "Park Row | East | 21 feet | 79 feet south of Roxborough | 8:00 a.m. - 6:00 p.m. |
| Delena | West | 23 feet | commencing 195 feet south of Main | 8:00 a.m. - 5:00 p.m." |

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.

5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this day of September, 2000.

ACTING MUNICIPAL CLERK MAYOR

Bill No. C-060

The Corporation of the City of Hamilton

BY-LAW NO. 00 –

To Amend

By-law No. 96-138

Respecting

**THE APPOINTMENT OF INSPECTORS**

**WHEREAS** subsection 2 of section 3 of Building Code Act provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section "6" is hereby deleted in its entirety and replaced with the following:

6. The following persons are each appointed an Inspector:

Brian Baxter
Don Boyter
Doug Clark
Ron Doucet
William Dupont
Debbie Eydt
Peter Gobbo
Christine Hey
Zoran Kristo
Rick Kuipers
Morris Marsalla
Peter C. Lampman
Tom Redmond
Marianne Brown
Monica Melnick
Robert Morley
Dio Ortiz
Frank Peter
Michael Shepherd
Gail Stevenson
John Thomas
Dana Turnbull
George Wong
Ed VanderWindt
Gerald Bethlehem
Andre Gravelle
Peter Vanderbeek
Len Gray
Steve Warner
Peter J. Hayes
Jeff Kruger
Jay Appell
Henry Dekker
David Silva
Sylvia Bishop
Jorge Caetano
Gary Daly
Nancy Rajher-Drapeau
Ken Edgar
Frank Genovese
Natalie Gould
John Ivezic
Steve Kuczerepa
Wing Lee
Glen McCrory
John W. Lane
Douglas A. Rose
John A. Spolnik
Bryan Moon
Michelle Oproiu
Gene Penko
George Robis
Lisa Simmons
Steve Teal
Michael Verboom
Joe Pizzoferrato
Doug Hardie
Robert Milligan
Ned Mijatovic
Paul Nickerson
Collin Potter
Jack de Roos
Brian Ducharme
Jack Tosta
Bill Olmstead
Rae Greenwood
Donna May Lord

2. In all other respects, By-law No. 96-138 is confirmed in force and effect.

**PASSED** this day of September, A.D. 2000.

Acting Municipal Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

**WHEREAS** the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

**AND WHEREAS** the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

**AND WHEREAS,** pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

**AND WHEREAS,** the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

**AND WHEREAS,** The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

**AND WHEREAS** the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

   (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and Municipal Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.

2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

**PASSED this 5th day of September 2000, A.D.,**

**MUNICIPAL CLERK** **MAYOR**

SCHEDULE "A"
EXTENSION AGREEMENTS

| | | |
|---|---|---|
| 1) | PROPERTY ADDRESS | 154 CATHARINE ST. S. |
| | SERIAL NUMBER | 02 01430 0460 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 2) | PROPERTY ADDRESS | 19 LOCKE ST. S. |
| | SERIAL NUMBER | 01 01015 1870 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 3) | PROPERTY ADDRESS | 101 HYDE PARK |
| | SERIAL NUMBER | 01 00810 7090 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 4) | PROPERTY ADDRESS | 107 ANNABELLE |
| | SERIAL NUMBER | 08 09710 5415 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 5) | PROPERTY ADDRESS | 2 FONTAINBLEU |
| | SERIAL NUMBER | 07 06520 1639 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 6) | PROPERTY ADDRESS | 495 KING ST E. |
| | SERIAL NUMBER | 03 02120 1780 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 7) | PROPERTY ADDRESS | 62 DUNCOMBE |
| | SERIAL NUMBER | 07 08210 4380 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 8) | PROPERTY ADDRESS | 6 PINE |
| | SERIAL NUMBER | 01 00940 0430 |
| | REDEMPTION DATE | OCTOBER 14, 2000 |
| 9) | PROPERTY ADDRESS | 279 BAY ST. N. |
| | SERIAL NUMBER | 002 01255 1180 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 10) | PROPERTY ADDRESS | 263 BAY ST. N. |
| | SERIAL NUMBER | 02 01255 1000 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 11) | PROPERTY ADDRESS | 275 BAY ST. N. |
| | SERIAL NUMBER | 02 01255 1150 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 12) | PROPERTY ADDRESS | 269 BAY ST. N. |
| | SERIAL NUMBER | 02 01255 1090 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 13) | PROPERTY ADDRESS | 271 BAY ST. N. |
| | SERIAL NUMBER | 02 01255 1120 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 14) | PROPERTY ADDRESS | 107 STUART |
| | SERIAL NUMBER | 02 01255 8570 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |
| 15) | PROPERTY ADDRESS | 32 TIFFANY |
| | SERIAL NUMBER | 02 01255 7230 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |

**SCHEDULE "A"**
**EXTENSION AGREEMENTS**

| | |
|---|---|
| 16) PROPERTY ADDRESS | 388 BARTON ST E. |
| SERIAL NUMBER | 03 02150 1060 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 17) PROPERTY ADDRESS | 114 STRAWBERRY |
| SERIAL NUMBER | 05 04710 0866 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 18) PROPERTY ADDRESS | 450 CONCESSION |
| SERIAL NUMBER | 07 08160 6140 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 19) PROPERTY ADDRESS | 1831 MAIN ST. W. |
| SERIAL NUMBER | 01 00130 0310 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 20) PROPERTY ADDRESS | 121 JAMES ST. N. |
| SERIAL NUMBER | 02 01240 2840 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 21) PROPERTY ADDRESS | 1505 BURLINGTON ST. E. |
| SERIAL NUMBER | 04 03230 8490 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 22) PROPERTY ADDRESS | 43 MORLEY |
| SERIAL NUMBER | 05 04010 3530 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 23) PROPERTY ADDRESS | 534 UPPER JAMES |
| SERIAL NUMBER | 08 09120 0280 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 24) PROPERTY ADDRESS | 22 ROSEDALE |
| SERIAL NUMBER | 04 03410 0010 |
| REDEMPTION DATE | OCTOBER 21, 2000 |
| 25) PROPERTY ADDRESS | 505 UPPER WENTWORTH |
| SERIAL NUMBER | 07 06740 0880 |
| REDEMPTION DATE | NOVEMBER 2, 2000 |
| 26) PROPERTY ADDRESS | 12 AGINCOURT |
| SERIAL NUMBER | 04 03220 9240 |
| REDEMPTION DATE | NOVEMBER 2, 2000 |
| 27) PROPERTY ADDRESS | 42 FONTHILL |
| SERIAL NUMBER | 08 10720 1694 |
| REDEMPTION DATE | NOVEMBER 2, 2000 |
| 28) PROPERTY ADDRESS | 256 CAROLINE St. S. |
| SERIAL NUMBER | 02 01315 0790 |
| REDEMPTION DATE | NOVEMBER 2, 2000 |
| 29) PROPERTY ADDRESS | 328 BARTON St. E. |
| SERIAL NUMBER | 03 02150 0580 |
| REDEMPTION DATE | NOVEMBER 2, 2000 |

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.

BEING A BY-LAW TO REPEAL BY-LAW NO. 92-138

WHEREAS on the 12th day of May, 1992, the Council of The Corporation of the City of Hamilton passed By-law No. 92-138, being a by-law to appoint a Treasurer for The Corporation of the City of Hamilton;

AND WHEREAS it is necessary to repeal By-law No. 92-138 as the office of Treasurer for The Corporation of the City of Hamilton became vacant as of August 19, 2000;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That By-law No. 92-138 of The Corporation of the City of Hamilton is hereby repealed.

2. That this By-law shall be deemed to have come into force and take effect on August 19, 2000.

**PASSED this day of September, A. D. 2000.**

**Acting Municipal Clerk** **Mayor**

Approved
as to form
Legal
Services

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.

BEING A BY-LAW TO AMEND BY-LAW NO. 99-094

WHEREAS on the 29th day of June, 1999, the Council of The Corporation of the City of Hamilton passed By-law No. 99-094, being a by-law to appoint collectors for The Corporation of the City of Hamilton;

AND WHEREAS it is necessary to amend By-law No. 99-094 as the office of Treasurer for The Corporation of the City of Hamilton became vacant as of August 19, 2000;

AND WHEREAS it is necessary to further amend By-law No. 99-094 to reflect the appointment of Thomas A. Bradbury as a collector as of September 6, 2000;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Section 1 of By-law No. 99-094 of The Corporation of the City of Hamilton is hereby repealed.

2. That By-law No. 99-094 of The Corporation of the City of Hamilton be further amended by inserting the following as Section 1 of said By-law No. 99-094:

   *Thomas A. Bradbury, Director of Revenue, is hereby appointed a Collector for The Corporation of the City of Hamilton.*

3. That section 1 of this by-law shall be deemed to have come into force and take effect on August 19, 2000.

4. That section 2 of this by-law shall come into force and take effect on September 6, 2000.

**PASSED this day of September, A.D. 2000.**

**Acting Municipal Clerk** **Mayor**

Approved as to form
Legal Services

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.

BEING A BY-LAW TO APPOINT A TEMPORARY ACTING TREASURER FOR THE CORPORATION OF THE CITY OF HAMILTON

**WHEREAS** subsection 77(3) of the *Municipal Act*, R.S.O. 1990, Chapter M. 45, as amended, provides as follows:

> 77(3) When the office of treasurer is vacant or the treasurer is unable to carry on his or her duties through illness or otherwise, the council may appoint a temporary treasurer who shall have all the powers and duties of the treasurer under this and every other Act.

**AND WHEREAS** the office of Treasurer for The Corporation of the City of Hamilton is vacant;

**AND WHEREAS** it is intended to provide for the continuance of the normal operations of the Finance Department and duties of the Treasurer during the time that the office of Treasurer is vacant;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Mr. Thomas A. Bradbury be appointed as Temporary Acting Treasurer for the period of September 6, 2000 to and including December 31, 2000 and shall have all the powers and duties of the Treasurer.

2. That Mr. Richard P. Male be appointed as Temporary Acting Treasurer in the absence of Mr. Thomas A. Bradbury, who then shall have all the powers and duties of the Treasurer whenever Mr. Thomas A. Bradbury is unable to carry out his duties of Temporary Acting Treasurer through illness or other absence from the office.

3. That Mr. Anthony D. Tollis be appointed as Temporary Acting Treasurer in the absence of both Mr. Thomas A. Bradbury and Mr. Richard P. Male, who shall then have all the powers and duties of the Treasurer whenever Mr. Thomas A. Bradbury and Mr. Richard P. Male are unable to carry out their duties of Temporary Acting Treasurer through illness or other absence from the office.

4. That By-law No. 99-093 is hereby repealed.

5. That this by-law shall come into force and take effect on September 6, 2000.

**PASSED this day of September, A.D. 2000.**

**Acting Municipal Clerk** **Mayor**

Approved as to form
Legal Services

Bill No. D-037

BY-LAW NO. 00 -

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE th DAY OF SEPTEMBER, 2000.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this th day of SEPTEMBER A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

URBAN MUNICIPAL

CA4 ON HBL A05
A31
2000

# AGENDA

## CITY OF HAMILTON

## SPECIAL MEETING
## CITY COUNCIL

*(available online at www.city.hamilton.on.ca./hccnet)*

**Wednesday, August 30, 2000**
**(immediately following Regional Council)**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

Hamilton Public Library
Urban/Municipal Collection
2nd Floor, 55 York Boulevard
Hamilton, Ontario L8K 3K1
1 BILL

URBAN MUNICIPAL

SEP 15 2000

GOVERNMENT DOCUMENTS

**Kevin C. Christenson,**
**Acting Municipal Clerk**

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***Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.***

**Lunch will be available at 12:00 noon in Room 219.**

1. Call to Order

2. Motion to move into the Committee of the Whole to consider the following:

   2.1 Verbal Update - Corporate Counsel - Rennie Street Landfill Site

3. Items to be tabled by the Mayor for discussion:

   3.1 Downtown Properties, Building Inspections and Façade Programme

   3.2 Correspondence - Transition Board - Taxi Licences

   3.3 Correspondence - Greater Vancouver Regional District - Federal Funding for Sustainable Urban Transportation

   3.4 Correspondence - Lakeland Family Pool Association

4. Motion to adopt the Report of the Committee of the Whole

5. Motion to adopt Bills

   C-056 Being a By-law to extend by-law No. 99-112, respecting the exemption of land known as Lots 2, 3, 5 and 6 within Tiffany, Phase 3 Subdivision, Plan 62M-884 from Part Lot Control.

   C-057 Being a By-law to extend By-law No. 99-112 respecting the exemption of land known as Lots 7, 8, 9, 10 and 12 within Tiffany, Phase 3 Subdivision, Plan 62M-884 from Part Lot Control.

C-058 Being a By-law to extend By-law No. 99-113 respecting land within the Bow Valley Estates Subdivision, Plan 62M-875 from Part Lot Control.

C-059 Being a By-law to Confirm the proceedings of the Council of the Corporation of the City of Hamilton.

6. Adjournment

AUG 1 8 2000

THE New CITY OF HAMILTON

Transition Board Members:
- Marvin G. Ryder, MBA, Chair
- Ollie Thomson, Vice-Chair
- William McMillan (Mac) Carson
- Kathy Dinney
- Colin T. Millar
- Darlyne Mills
- Don Ross

3.2

August 14, 2000

Mayor and Members of Council
City of Hamilton
71 Main Street West
Hamilton, ON L8N 4Y5

Dear Mayor Morrow and Members of Council:

**RE: Taxi Licences**

The Transition Board at its meeting held July 27, 2000 considered the recommendations of the Licensing, Inspections and By-law Enforcement Task Force and directed all 25 recommendations be tabled until a Taxi Project Team has an opportunity to investigate taxi industry reform and report back to the Transition Board.

The Transition Board also adopted motion #39-14 requesting all area municipalities in the Hamilton-Wentworth region implement a **freeze** on the issuance of taxi licences until the Taxi Project Team has had an opportunity to present its recommendations to the Transition Board.

Your united cooperation in this matter is appreciated during this transition period.

Sincerely,

Marvin Ryder, Chair
Transition Board for the new City of Hamilton

50 Main Street East, 4th Floor, Hamilton, Ontario L8N 1E9
Tel: (905) 540-5415 • Fax: (905) 540-5417 • E-mail: transitionboard@new.city.hamilton.on.ca • Web site: www.new.city.hamilton.on.ca

Greater Vancouver Regional District
4330 Kingsway, Burnaby, British Columbia, Canada V5H 4G8

Office of the Chairperson
Telephone (604) 432-6215
Fax (604) 432-6248

AUG 1 1 2000

August 1, 2000

CP 15-02-010

3.3

Mayor Robert Morrow and Members of Council
City of Hamilton
71 Main Street West
Hamilton ON
L8P 4Y5

Dear Mayor Morrow and Members of Council:

**Re: Federal Funding for Sustainable Urban Transportation**

Effective and ongoing funding for sustainable urban transportation is critical to the economic competitiveness, environmental quality and livability of Canada's large urban regions. It is also essential to the attainment of Canada's Kyoto commitment for greenhouse gas reduction. Participation by the federal government in this funding is essential and justifiable.

The Federation of Canadian Municipalities and the Greater Vancouver Regional District have jointly prepared the attached discussion paper outlining the case for this funding role for the federal government. The FCM Board of Directors' motion contained on p. 9 of this paper was approved unanimously at a policy session of the FCM 2000 convention in June in London, Ontario.

The Greater Vancouver Regional District Board of Directors has asked me to forward this paper to the mayors and members of councils of the largest urban regions in the country with a request for support. We would ask for your support by:

- Endorsing the proposal;
- Seeking the endorsement of other interested groups in your region; and
- Informing your Members of Parliament of your support for the proposal.

We have asked the FCM to take parallel action to build support and awareness at the national level. With a federal election due within the next year, it is timely to make a concerted effort to advance this proposal.

If we can assist you in your consideration of this proposal, please contact Ken Cameron, Manager of Policy and Planning at (phone: 604-432-6379, fax: 604-436-6811 and email: k.cameron@gvrd.bc.ca).

Yours truly,

George Puil
Chair, Board of Directors

Attachment

C:\My Documents\kc (gp) 002807 Letters to Mayors and Members of Council of Cdn cities.doc

# From Global Challenge to Local Action

## Proposed Federal Role in Funding Sustainable Urban Transportation



**A Discussion Paper Prepared by the Federation of Canadian Municipalities and the Greater Vancouver Regional District**

**May, 2000**

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APPENDIX A - *A New Vision for Urban Transportation*

APPENDIX B - *Financing Urban Transportation*

APPENDIX C - *GTSB Transportation Accord*

APPENDIX D - *The Region of Ottawa-Carleton Resolution on Funding Transportation*

APPENDIX E - *Key Transportation and Land-Use Indicators*

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# 1 Sustainable Urban Transportation

Transportation is becoming a dominant challenge in Canada's larger urban regions. The development of predominantly automobile-oriented urban form in the period since World War II has produced cities in which meeting the need for travel has outstripped the organizational and financial capability of urban governments.

One lesson that has been learned from this experience is that simple and conventional concepts and solutions simply will not work. No amount of road-building or transit expansion, in themselves, will do more than reduce the rate of growth of congestion, pollution and inefficiency that threaten to strangle the prosperity and livability of Canadian cities.

There is growing recognition of the importance of urban transportation to broader public goals. Increasing reliance on a single mode of transport reduces the choices available for those who do not have access to this mode by reason of income or ability, resulting in social inequities. Traffic congestion resulting from inefficient transportation choices impairs the economic efficiency of cities, reducing their economic competitiveness and increasing the cost of goods and services. And transportation is the primary cause of air pollution in most Canadian cities, with significant negative impacts on environmental and human health.

A key milestone in forging a new direction was ***A New Vision for Urban Transportation*** (Appendix A) produced by the Urban Transportation Council of the Transportation Association of Canada in 1993 and since endorsed by many local governments, municipal associations and professional organizations across Canada. This vision identified a new approach to transportation that reflects the synergies between transportation, land use, environmental goals and financial constraints. It has influenced planning and implementation measures in a number of Canadian urban regions, including Calgary, Greater Vancouver, Hamilton-Wentworth and Ottawa-Carleton.

## *1.1 What Is Sustainable Urban Transportation?*

Growing awareness of the environmental impacts of transportation within the overall context of sustainability has led to the concept of sustainable urban transportation, which has been defined by the Centre for Sustainable Transportation as follows:

***A sustainable transportation system is one that:***

- ***Allows the basic access needs of individuals and societies to be met safely and in a manner consistent with human and ecosystem health, and with equity within and between generations.***
- ***Is affordable, operates efficiently, offers choice of transport mode, and supports a vibrant economy.***
- ***Limits emissions and waste within the planet's ability to absorb them, minimizes consumption of non-renewable resources, reuses and recycles its components, and minimizes the use of land and the production of noise.***[1]

[1] Centre for Sustainable Transportation. ***Definition and Vision of Sustainable Transportation*** Toronto, Ontario, 1997

### *1.2 Funding Principles*

The financial features of a sustainable transportation system were explored in a further briefing by the Urban Transportation Council in 1997 (Appendix B). Two critical principles underly the goal and criteria set out in that briefing:

- Urban transportation (roads, transit, cycling facilities and transportation demand management programs) is a *service* whose funding should be based upon the utility principle that users pay the cost of service through funds that are allocated to that service;
- The *pricing* of urban transportation services should send signals to the marketplace that reinforce policy goals such as managed growth, efficiency and environmental quality.

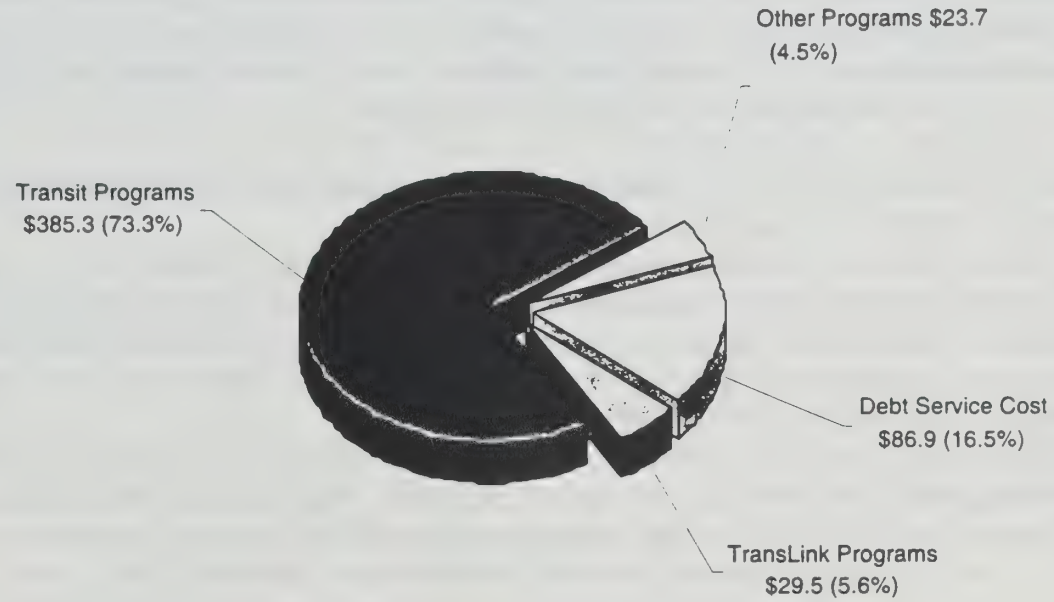
### *1.3 Who is Implementing Sustainable Urban Transportation*

There has been some success in applying these principles in several Canadian urban regions. These include:

- ***The City of Calgary*** adopted a master transportation plan as mandated by provincial legislation in 1995, incorporating the principles of sustainable urban transportation. In 1999, the Province of Alberta approved a new arrangement for funding of transportation capital works in Calgary and Edmonton which provides funding of 5 cents per litre of provincial fuel taxes collected in those cities. The Province also took over responsibility for inter-city highways running through those cities and implemented different but equitable arrangements for smaller cities and rural municipalities in Alberta.
- ***The Greater Vancouver Regional District*** adopted the ***Livable Region Strategic Plan*** incorporating a long-range regional transportation plan, (***Transport 2021***) in 1996. This plan became the foundation for transportation plans adopted by member municipalities, including the ***City of Burnaby***, ***City of New Westminster***, the ***City of Surrey*** and the ***City of Vancouver***. The GVRD subsequently negotiated a set of improvements to transportation governance and funding that resulted in the creation in 1999 of a new regional transportation authority (TransLink) responsible for transit, major roads, transportation demand management and vehicle emission controls. TransLink has access to a number of transportation-related revenue sources, including fares and a share of provincial fuel taxes (initially 6 cents per litre and growing to 10 cents per litre by 2005). The source and allocation of funds for 2000 is shown in Figures 1 and 2. Other funding comes from a residential hydro surcharge and property taxes. The agency has the authority to implement vehicle charges, parking taxes and tolls on facilities it finances. TransLink has recently adopted a transportation strategic plan which by statute is required to reflect regional objectives for growth management, economic development, air quality and public finance. The GVRD Board has just ratified this plan.

# TRANSLINK EXPENDITURE BY PROGRAM

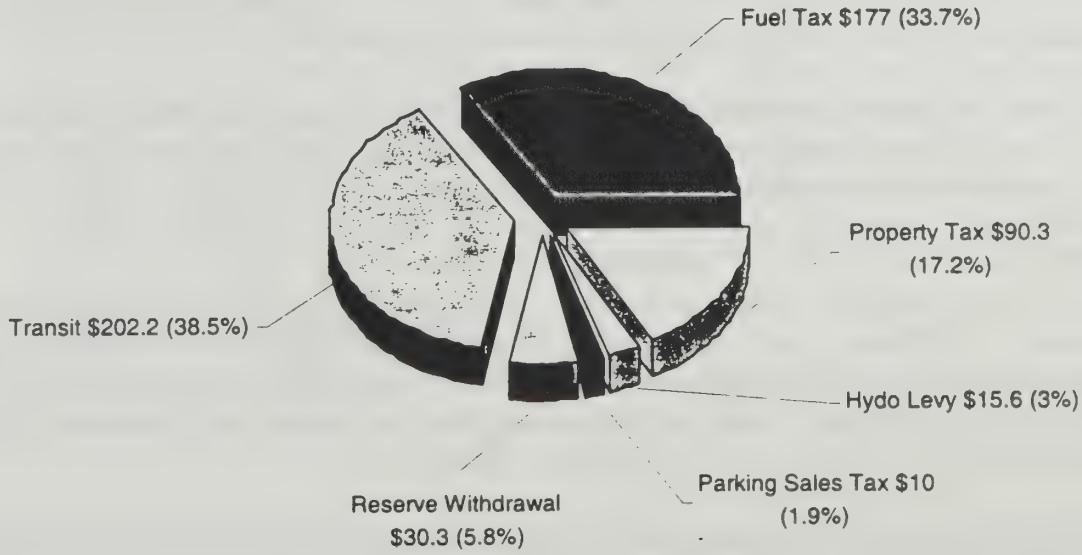
## Y2000 Proposed Budget
## ($ millions)




**TOTAL: $525.4 MILLION**

# TRANSLINK REVENUE BY TYPE

## Y2000 Proposed Budget
## ($ millions)




**TOTAL: $525.4 MILLION**

- *The Province of Quebec* created the ***Agence Metropolitain de Transport*** in 1996 to undertake regional multimodal planning and coordination between transit and road network management in the Montreal Region. A five-member governing board is appointed by the Province in consultation with local municipalities. The Agence's revenues include a new 1.5 cent per litre fuel tax, a vehicle licence surcharge of $30 per vehicle per year and property tax levies on municipalities.

Other local governments have identified the need for sustainable urban transportation and funding arrangements to support this objective. They include:

- ***The Greater Toronto Services Board*** (encompassing Greater Toronto and Hamilton-Wentworth) which adopted a Transportation Accord (Appendix C) in 2000, calling for a transportation investment partnership involving all levels of government to finance a balanced transportation program. The GTSB later adopted ***Removing Roadblocks***, a strategic transportation plan for this region.
- ***The Regional Municipality of Ottawa-Carleton***, which adopted a master transportation plan based upon sustainability principles in 1995 and in 1999 adopted a set of resolutions to promote a transportation funding partnership with provincial and federal governments to put in place a dedicated transportation fund for the region (Appendix D).

## 2 The Potential of Canada's Large Urban Regions

More than half of Canada's population lives in the country's 18 largest urban regions (see Appendix E). They are home to the country's major institutions, hubs in the national transportation and communications systems and they are the drivers of wealth in the new economy.

It is no exaggeration to say that the story of Canada in the 21st Century will be largely the story of its urban regions. These will be the places in which important dimensions of our economic, social and environmental progress will have to be achieved.

Because of the very nature of urban regions, policies and programs to achieve sustainability there will have to be different from other less populous places. The scale and complexity of urban regions creates unique challenges and opportunities.

### *2.1 The Critical Role of Urban Transportation*

Nowhere are the challenges and opportunities more obvious than in the field of urban transportation. Differing land use policies will generate differences in demand for transportation services and differences in the options for meeting those demands. It is a practical reality that it is only in the larger urban regions that transit can be promoted as an economically viable alternative to the private automobile.

But the current arrangements for transportation governance and funding make it difficult to respond to these challenges in most urban regions. Planning for land use is often separated jurisdictionally from planning for transportation, and most of the public funding for transportation comes from property tax sources.

More fundamentally, the financing arrangements for urban transportation do not reflect the market economics that have become the dominant force in inter-regional and international transportation over the past two decades. Concepts such as user pay, competition and the private delivery of service are relatively foreign to urban transportation. All modes of urban transportation are subsidized, and the least efficient and most environmentally-damaging mode, the private automobile, is subsidized the most.[2] Sustainable urban transportation policies and programs must deal with the underlying market forces and attempt to create at least a level playing field among modes if not a playing field that acknowledges the public and environmental costs of our transportation choices.

### *2.2 Relationship to Provincial Interests*

Efficient and sustainable urban transportation is a vital interest for the provinces that have larger urban regions within them. Provinces have the entire constitutional responsibility for establishing and altering local government arrangements so that this need can be met effectively. In addition, the following other provincial interests are affected by supporting sustainable urban transportation:

- ***Environmental Quality*** – Vehicles account for as much as 75 percent of total air emissions in many Canadian urban regions. Many of these pollutants are washed into sewers and contribute to the pollution of receiving waters.
- ***Public Health*** – It is estimated that ailments attributable to air pollution will cause 33,000 otherwise unnecessary hospital visits in the 25 year period ending in 2020 in Greater Vancouver. A recent study[3] by the City of Toronto estimates that air pollution causes about 1,000 deaths and about 3,500 hospitalizations each year in that city. In addition there are the annual costs of death and injury caused by automobile accidents which would be reduced if there were greater transportation choices and a higher level of investment in transportation systems.
- ***Agricultural Viability*** – The urban regions in many Canadian provinces share space with productive agricultural land. Continuous pressure on these lands from sprawling, automobile-dominated development threatens the ongoing viability of agriculture in these regions. It has been estimated that between 1976 and 1996 the Greater Toronto Area lost 60,000 hectares of farmland to urbanization. This is an area roughly the size of the new City of Toronto and it comprises on-sixth of the 1976 inventory. In the Lower Mainland, air pollution results in crop losses that are estimated to be $4 million annually.
- ***Economic Efficiency*** – Urban regions are the engines of provincial economies in many provinces. If goods and services cannot be moved to, from and around these regions efficiently, the result is higher costs to consumers.

### *2.3 Relationship to Federal Interests*

Canada shares jurisdiction over environmental protection and public health with the provinces. In addition, sustainable urban transportation affects the following federal interests:

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[2] See, for example, ***Transport 2021 Technical Report No. 11 – The Cost of Transporting People in the British Columbia Lower Mainland.*** Prepared by the consulting firm KPMG, this study estimated the direct and indirect subsidies for all modes of transport. It concluded that, in the study year (1991), automobile transport was subsidized by $2.7 billion, public transport was subsidized by $360 million, and non-motorized transport was subsidized by $2 million.

[3] Toronto Public Health. ***Air Pollution Burden of Illness in Toronto.*** Toronto; City of Toronto, May 2000.

- *Efficiency of the National Transportation System* – Many of Canada's ports, airports and rail hubs are located within large urban regions. An emerging issue is the impact of urban congestion on transshipment of passengers and goods to and within these components of the national transportation system .
- *Cross-border Impacts* – With so many Canadian cities located on or close to the US border, the smog and other air quality impacts of unsustainable transportation systems have become an international issue.
- *Competitiveness* – As the only G7 nation without a national government role in funding urban transportation, Canada risks losing its competitive edge in an increasingly urban-based world economy, particularly within the North American free trade area.
- *Greenhouse Gas Reduction* – Transportation is the largest single source of greenhouse gases, accounting for 25 percent of Canada's emission total. In order to reduce emissions by an amount in keeping with the overall target reduction of 6 percent reduction by 2008, the transportation sector will have to reduce emissions by 28 percent over 1990 levels. The Transportation Table of the National Climate Change Consultation was unable to identify promising measures that would enable attainment of that target, mostly because their consensus process did not permit consideration of fuel taxation and urban land use planning as policy options.

## 3 Why Act Now?

Transportation has emerged as an issue critical to the economic, social and environmental well-being of Canada's large urban regions. Evidence of the impact of climate change is mounting on a daily basis. Canadians and their governments are beginning to experience the significant costs of the disruption of weather patterns that appear to be attributable to this phenomenon.

Although Canada contributes a minor amount of total global greenhouse gas emissions, its per capita emissions are among the highest in the world. Furthermore, Canada cannot expect the nations with high total emissions to take this issue seriously if our own house is not in order.

To put it simply, Canadians simply must burn less fuel. If their strategy for achieving this goal is to provide greater transportation choices for better-planned, more compact urban communities, Canadians will have achieved many other benefits for this and future generations.

The federal government, as a significant beneficiary of fuel taxation, is not making an effort to reduce fuel consumption that is commensurate with its jurisdictional interests and international commitments. There is an opportunity for the federal government to support the initiatives of three provinces to provide improved financial support for sustainable urban transportation, and encourage other provinces to do so.

## 4 Variables in a Federal Program

In its February 2000 budget, the federal government established a $100 million revolving Green Municipal Investment Fund and a $25 million Green Municipal Enabling Fund to encourage innovation and practices that will improve air, water and soil quality and protect the climate. The budget also announced the establishment of a five-year infrastructure program to begin in 2001 with $2.6 billion in federal funding to be matched by other levels of government.

These are important initiatives that will include some funding for sustainable urban transportation projects. They do not, however, respond fully to the need for significant financial participation over the long period of time that will be necessary to achieve greenhouse gas reduction targets.

Design and implementation of a federal program in sustainable urban transportation requires consideration of the following variables:

- ***Dedicated Taxes or General Revenue*** – Dedication of taxes is contrary to long-standing federal financial policy, although this concept is now established in the funding arrangements of three provinces. At a minimum, there should be some relationship between where the fuel is consumed and where the revenues are spent.
- ***Ongoing or Time-limited*** – As noted above, a long-term and consistent commitment is essential to the achievement of the environmental objectives of reduced greenhouse gas production.
- ***Applicable to Infrastructure or Capital or Operating Costs or All*** – Confining the program to infrastructure or even capital costs such as rolling stock reduces the incentive for urban regions to give appropriate weight to demand-side management programs that can have a strong cost-benefit ratio.
- ***Cost-shared with Provinces and/or Municipalities*** – Given the interests of all three orders of government as outlined above, cost-sharing would be a logical condition of any new federal program.
- ***Conditional on Appropriate Plans and Implementation Programs*** – Given the objective of achieving significant change in the way in which urban regions meet their transportation needs, the funding should be conditional upon the adoption of sustainable urban transportation plans and approval of appropriate implementation programs. These should be described in sufficient detail to permit it to be determined that they exist, but there should be no approval role for the federal and provincial governments for these plans and programs.

## 5 The FCM's Proposal

At their meetings in Vernon, BC in March, the Federation of Canadian Municipalities Standing Committee on National Transportation and Communications and Board of Directors approved the following motion[3]:

[3] Wording of this motion is subject to approval of the minutes by the FCM Board at its next meeting.

*That the FCM Board of Directors approve the recommendation of the Standing Committee on National Transportation and Communications that the FCM pursue, within the context of the FCM's 2000 Policy Statement on National Transportation, the following four-point proposal for funding sustainable transportation:*

1. *That there be ongoing federal funding equivalent to 3 cents per litre nationwide, from existing or new revenue sources, with a preference for using the existing sources;*
2. *That the federal funding be matched by provinces, from existing or new revenue sources, with a preference for using the existing sources;*
3. *That the funding be available in urban regions for any expenditure to prepare and implement a regional plan for sustainable urban transportation, in rough proportion to fuel tax generated in each region; and*
4. *That equivalent funding be made available in non-urban areas on a basis to be worked out between three levels of government; and*

*That the FCM bring forward this proposal during discussion of the new infrastructure program this year.*

This proposal would potentially produce total senior government funding for sustainable urban transportation of $888 million per year Canada-wide (half federal and half provincial). The breakdown of the federal component of this funding for the 18 largest urban regions is shown in Appendix F. These resources would be available on an ongoing basis for expenditures to prepare and implement a regional sustainable urban transportation plan. Establishment of a program to provide funding for the smaller cities and rural areas would require further research and negotiations.

Approval of this proposal will respond to an urgent problem shared by all urban Canadians in a way that will demonstrate Canada's commitment to the future of the planet and the future of its urban residents.

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TAC ATC

# BRIEFING

*Transportation Association of Canada* *Association des transports du Canada* *Reprint November 1998*

# A NEW VISION FOR URBAN TRANSPORTATION

*In 1993 the TAC Urban Transportation Council first published this* ***New Vision for Urban Transportation****. It proposes a 30 year generic vision for Canadian urban areas that can be tailored to fit to local conditions. The vision is supported by 13 decision making principles which point the way to a more desirable future. They call for significant change from past practices in terms of land use and urban structure, the role of single occupant autos relative to other modes, and transportation funding.*

*Since its publication, the vision has been endorsed by a variety of local governments as well as provincial and national organizations (see the box on page 6), and its principles are starting to appear in the latest municipal plans. The vision has been cited by the Organization for Economic Cooperation and Development as an example of "best thinking on environmentally sustainable transportation in Canada". The National Round Table on the Environment and the Economy, has called it "perhaps the most influential (sustainable transportation) vision statement currently in Canada".*

*Today, municipal leaders are challenged with delivering livable and sustainable cities in the face of shrinking resources. Since transportation pervades almost every aspect of urban life, it is part of the challenge and must be part of the solution. In that regard, the vision and its principles still provide a valid guide. Therefore this reprint of the original 1993 briefing is offered as a service to all who share in the responsibility for tomorrow's urban transportation systems.*

## CURRENT TRENDS ARE LEADING TO URBAN TRANSPORTATION SYSTEMS WHICH DO NOT MEET NEEDS AND ARE NOT SUSTAINABLE...

Urban areas exist to serve the economic and social needs of their residents. Transportation is essential to meet those needs because it both serves and helps shape urban development.

The wealth of nations is largely generated in cities and will become more so in the new high technology, information based, globally competitive economies of the future. Urban transportation systems will have to be very productive, efficient, cost effective and accessible to allow cities to generate the wealth needed for quality of life improvements, social services, infrastructure, environmental protection and transportation itself. To achieve that goal will require new approaches to land use, urban design, transportation planning and financing. Continuation of current trends will not work.

### Land Use and Urban Design

Past practice has been to divide cities into homogeneous, single use areas of relatively low density. Streets are seldom pedestrian friendly. Cyclists and goods carriers must usually make do with whatever roadway space is available. Shopping malls are far from home or work and require large areas, mostly for parking. Suburban or bedroom communities are designed for single family houses with large lots on cul-de-sacs or winding roads.

The result of such practice is to increase auto travel and maximize travel distances. For the majority of urban residents the auto is not a luxury, but a necessity to move between home, work, shopping, schools, recreation, etc. In most cases walking, cycling and even transit are not viable options.

Overwhelming dependence on the private automobile contributes to urban sprawl, losses in prime farmland, excess consumption of fossil fuel, air and noise pollution, and traffic congestion.

### Transportation

Per capita automobile ownership is increasing and the average number of occupants per auto is decreasing. Transit serves only a small percentage of total demand and in some areas its market share is decreasing. Trucks are forced to stand in traffic lanes because in many cases off-street loading facilities are not provided. Goods distribution is seldom considered as part of the total urban transportation system; nor is parking usually planned and coordinated to be part of the solution. The potential for cycling cannot be fully realized without special provisions for sharing roadspace.

Under heavy traffic loads, roadways and bridges are wearing out faster than they can be repaired with present maintenance budgets. Land and money for new road construction are becoming scarce.

Traffic congestion, inefficiencies and added costs of present transportation systems are becoming economic, financial and social liabilities for the whole urban area. Cities are less able to compete domestically and internationally. Deferred maintenance is always more costly. Families spend more time on the road and less time together. People are exposed to greater health risks.

### Financing

Municipal and provincial budgets have been the traditional sources of financing urban road construction and maintenance as well as transit subsidies. Federal transfer payments to the provinces and provincial grants to municipalities are decreasing relative to needs as a result of recession, a weak economy, government debt service charges and other factors.

Municipalities are faced with increasing costs for social and other services, decreasing revenue and citizen resistance to higher taxes. Something has to give, and it is often the municipal transportation budget.

## *TO PROVIDE TRANSPORTATION SYSTEMS THAT BETTER SERVE THE ECONOMIC AND SOCIAL NEEDS OF URBAN RESIDENTS AND PROTECT THE ENVIRONMENT, A NEW VISION IS NEEDED...*

### A Generic Transportation Vision

This BRIEFING proposes a generic urban transportation vision suitable for large and medium sized urban areas in Canada. The vision is supported by a series of principles or directions, designed to change past trends and result in future cities that are more:

- economically competitive
- socially desirable
- environmentally friendly

and allow:

- greater mobility
- easier access to a wider choice of transportation options

while recognizing:

- economic realities
- the constraints of the existing urban structure.

First and foremost among these principles is the need to change land use and urban design practices. Achieving this part of the vision will therefore require a long term program of gradual change.

### Unique Local Transportation Visions

With the generic vision as a starting point, each urban area is encouraged to develop its own unique urban transportation vision by adapting the principles to reflect local conditions. Specific visions will differ among urban areas reflecting their different sizes, land constraints, development patterns, densities, growth rates, etc.

### Urban Area Visions

Each specific transportation vision should be developed within the context of an overall urban area vision – defined by an urban development plan with complementary design objectives. That plan should be rooted in reality while offering adequate lifestyle choices; it should distinguish between real needs and less essential "wants" when allocating resources.

It must strike a balance between the requirements of the community, the economy and the environment. Compatibility between land use and transportation is central to that balance. Therefore, while transportation is a major part of an urban area vision, the urban vision is much broader.

### The Need for Cooperation and Leadership

What kind of urban areas do we want to see in the future? The generic urban transportation vision in this BRIEFING is based on the belief that a more compact form of urban development is more desirable than a less compact form in order to:

- protect and enhance the environment
- conserve natural resources including energy and land
- provide a wider and more balanced choice of accessible and affordable transportation services
- better response to the needs of the majority of residents.

This form of development represents a significant departure from past practice. To achieve it will require the active cooperation of many interest groups. **Political leadership, based on informed public support, will be critical.**

# *A GENERIC VISION FOR URBAN TRANSPORTATION*

*It is the year 2023:*

- A long term urban development plan has been approved. It emphasizes multi use town centres and high density, mixed use along connecting corridors. Transit has funding and operating priority in those corridors.
- Short-medium term community/neighbourhood plans have been approved. They emphasize compact, mixed use communities based on pedestrian, cycling and transit friendly design.
- Transit, highways, arterials, parking and truck routes are planned and coordinated across the urban area.
- The percentages of trips made by walking, cycling, transit and high occupancy automobiles are all increasing; the percentage of trips made by single occupant automobiles is decreasing.
- The average distance and time for peak hour commuter travel is decreasing.
- An area wide parking strategy is in place and enforced.
- There are very few places which still require on-street goods transfer.
- The physically challenged enjoy universal access to public transport facilities and services.
- Roads and bridges are in a good state of repair.
- Air pollution from motor vehicle sources is declining.
- Urban transportation infrastructure and services are adequately funded from stable and sustainable revenue sources.
- Political leaders have the support of a well informed public when making decisions on urban development and transportation systems to serve the area.

## 1. Urban Structure and Land Use

### Plan for increased densities and more mixed land use

This principle will reduce dependence on the private auto, shorten trip lengths and encourage modal shifts to walking, cycling and transit. It can be applied at both the macro scale (the whole urban area) and the micro scale (neighbourhood and communities within the urban area). It includes techniques such as intensification, infill and neo-traditional urban design.

The **method at the macro scale** requires the creation of a long term **urban development plan** (30 to 50 years) to provide a context for future growth. The plan should blend economic, social and environmental aspirations, and integrate land use and transportation into a coherent whole. **Elements** of the plan may include:

- development of major multi use town centres in suburban areas, integrated with regional transit.
- high density, mixed use development along major transit corridors.
- transit funding and operating priority where densities and demand levels make this possible.
- a grid pattern of highways and arterials to accommodate truck traffic and passenger demand that cannot be handled by walking, cycling or transit.

**Methods at the micro scale** require the creation of short to medium term **community/neighbourhood plans** (5 to 10 years) to provide direction to decision makers on development applications. **Elements** may include:

- development of more compact, mixed use communities offering a range of housing types, with pedestrian friendly urban design as a prime objective.
- reurbanization of municipal core areas.
- a transit friendly grid pattern of local streets.
- pedestrian, cycling, transit and truck friendly designs including sidewalks and footpaths, cycle lanes and paths, higher densities close to transit stops and off street loading.

For further details on these subjects see Reference 1.

## 2. Walking

### Promote walking as the preferred mode for person trips.

Walking is a part of every person trip. Increased walking is healthy, environmentally friendly, and reduces demand on road and transit systems. The goal is to improve the quality of the walking environment through pedestrian friendly streetscapes and make walking a more attractive choice. **Methods** include:

- increased densities and mixed land use to bring origins and destinations closer together.
- design of public rights-of-way to encourage pedestrian use and not just motor vehicle use (eg: adequate provision and maintenance of inter-connected sidewalks and foot paths).
- protection from inclement weather.
- adequate lighting for safety and security.
- accessibility for the physically challenged.
- street level establishments close to the sidewalk.

## 3. Cycling

### Increase opportunities for cycling as an optional mode of travel.

Cycling is part of a total urban transportation system and, like walking, is healthy and environmentally friendly. Increased opportunities for safe cycling can best be achieved through urban and community plans, and through provision of facilities. **Methods** include:

- cycle lanes on the public right-of-way and separate cycle networks.
- the needs of cyclists considered in the preparation of community/neighbourhood plans.
- storage facilities at transit stations and on transit vehicles to encourage bike and ride.
- storage facilities in the downtown core, suburban town centres, and other key locations.
- provision of cycle facilities as a condition of development.

## 4. Transit

### Provide higher quality transit service to increase its attractiveness relative to the private auto.

More attractive service and increased market share for transit are essential elements in achieving this vision. Better transit can reduce reliance on the single occupant automobile. Current demographics, existing urban designs and funding requirements make this a challenging goal, but many things can be done – especially if improvements are aimed at specific market segments (see Reference 2).

The **key method** lies in new urban structure and land use planning approaches as described in Principle #1 above. **Other methods** include:

- develop a hierarchy of transit services (primary on controlled access ways, secondary on exclusive bus lanes or HOV lanes, a feeder network and auxiliary facilities such as park-and-ride).
- give transit funding and operating priority (eg: transit or HOV lanes).
- improve comfort, security, frequency, on time reliability, geographic coverage, access for the physically challenged, and public information services.
- encourage park-and-ride, kiss-and-ride and bike-and-ride by providing appropriate facilities.

- integrate transit stations, schedules and fares in areas with more than one transit system.
- introduce preferential income tax treatment for transit use (eg: make employer provided transit passes a non-taxable benefit).

## 5. *Automobile*

### Create an environment in which automobiles can play a more balanced role.

The private automobile is the dominant mode of urban transportation and will remain so for the foreseeable future. Current urban structures and land use practices, coupled with the comfort, security and convenience of the auto make this inevitable. However, inefficient auto uses (eg: single occupant vehicles to destinations served by transit) should be reduced, and a more balanced transportation system could be achieved through a combination of **methods**:

- reduce travel demand by bringing origins and destinations close together through higher densities and mixed land use.
- design new suburbs, major developments and redevelopments to be more walking, cycling and transit friendly.
- employ traffic management techniques (including HOV lanes) to achieve more efficient use of roads.
- encourage flexible working hours and ride sharing programs.

## 6. *Parking*

### Plan parking supply and price to be in balance with walking, cycling, transit and auto priorities.

Parking is an important part of the transportation infrastructure and its provision should be coordinated throughout the urban area much like roads or transit. It is critical to the financial health of retail activities and can complement public transit. In order to make parking part of the solution to traffic congestion problems, it must be both planned and controlled.

The **key method** is to develop a comprehensive on-street/off-street parking strategy including short term, long term, park-and-ride, public and private, supply and price considerations. **Elements** of that strategy may include:

- detailed studies to determine current and future parking supply and demand.
- emphasize short stay over long stay parking downtown.
- on-street parking priced at a higher rate than off-street.
- on-street parking limited to off-peak periods.
- off-street neighbourhood parking structures incorporating retail and commercial uses.
- park-and-ride facilities integrated with the transit system.
- municipal enforcement to ensure a balance of parking supply with demand.

## 7. *Goods Movement*

### Improve the efficiency of the urban goods distribution system.

Efficient goods movement is vital to the economic health and competitiveness of an urban area, but at present many inefficiencies exist. Added costs are passed on to truckers in the form of decreased profits, to consumers through higher prices and to the public with increased congestion. **Methods** to improve goods movement efficiency include:

- cooperative efforts by the trucking industry to give municipalities a better understanding of how to meet industry needs.
- consideration by municipal authorities of the total goods distribution system in all stages of urban planning and development (ie: urban development plan, community/neighbourhood plans, site development plans).
- require off-street loading facilities or zones for all new developments.
- encourage industry to make more use of consolidated delivery services to congested areas.
- improve the truck route network through designated routes, better road geometrics, stronger pavement, etc.

## 8. *Inter-Modal Integration*

### Promote inter-modal and inter-line connections.

Each mode and each carrier – whether for passengers or goods – should be conveniently integrated with the rest of the urban transportation system. Special planning efforts are required to achieve this. Benefits include more attractive transit services and more efficient goods movement. **Methods** include:

- in the urban development plan, design the location of transit connections to be quick, easy and weather protected.
- in community/neighbourhood plans and site developments, minimize walking distances to transit.
- promote gateway/mobility centres.
- integrate fares and services between transit systems.
- consider inter-city links in developing urban area terminals for passengers and goods.

## 9. *New Technology*

### Promote new technologies which improve urban mobility and help protect the environment.

New technologies can be used to reinforce desirable changes advocated in this vision. Some **examples** are:

- telecommunications, to reduce peak period travel demand and lessen the strain on the road system.
- Intelligent Vehicle Highway Systems and computerized signal control, to increase the efficiency of existing road systems.

- vehicle locating systems, to allow for demand responsive transit.
- enhanced pollution control equipment and standards for all motor vehicles, to slow the increase in air pollution.
- fuel substitution and increased fuel efficiency.

### *10. System Optimization*

**Optimize the use of existing transportation systems to move people and goods.**

Improving urban mobility requires a determined effort to make the most of the expensive transportation infrastructure already in place. Minor modifications (lane widening, turning bays, etc.) may be appropriate, but very expensive items (new freeways, bridges tunnels, mass rapid transit, etc.) will have to wait in favour of cheaper options with better payoffs. **Methods** include:

- treat the road system as a multi use public facility which recognizes the needs of pedestrians, cyclists, transit, high occupancy vehicles, autos and trucks.
- make operational improvements through transportation management.
- promote ways to flatten traffic peaks and shift modes through demand management.
- enhance transit services.
- implement supportive parking policies.

### *11. Special User Needs*

**Design and operate transportation systems which can be used by the physically challenged.**

The number of physically challenged persons will grow in the future as the population ages. Transportation services must be accessible to them. **Methods** include:

- use low floor transit vehicles.
- provide cost effective para transit services (see Reference 3 for an example).
- establish by-laws for minimum numbers of off-street parking stalls for the physically challenged.
- use curb cuts, ramps and other designs to improve access.
- provide for special vehicle access in parking structures.

### *12. Environment*

**Ensure that urban transportation decisions protect and enhance the environment.**

The two largest sources of air pollution in most Canadian urban areas under normal conditions are motor vehicle emissions and space heating. Improvements in air quality from reduced motor vehicle emissions can be achieved provided there is a determined effort to do so. The first ten principles in this vision all work toward that end. The goal is to strengthen these trends and build environmental considerations into every stage of decision making. **Methods** include:

- develop environmental codes of practice based on a national environmental policy (Reference 4).
- require environmental considerations to be an integral part of the urban development plan, community/neighbourhood plans and site development approvals.
- give funding priority to the most environmentally friendly transportation options.
- consider mandatory regular inspections of motor vehicle emission control systems.
- encourage the development and use of environmentally friendly power sources for vehicles.

### *13. Funding/Financing*

**Create better ways to pay for future urban transportation systems.**

Realistic means must be found to provide adequate and sustaining sources of funds for new, expanded and properly maintained urban transportation infrastructure and services. Current funding/financing mechanisms do not meet this need.

Funding should be:

- stable over time.
- predictable in magnitude.
- "transparent" (open and easily understood by decision makers and the public).
- increasingly derived from users in proportion to benefits received.
- dedicated by law to urban transportation system enhancements.
- designed to foster an urban transportation system operating at the lowest possible total cost.

There are various options for achieving these funding goals. Differing perceptions surround each, and no consensus has yet emerged. Some suggested **methods** include:

**Redistribution of existing taxes.** Some believe that taxes currently levied on the transportation sector could substantially help meet funding needs if they were allocated or dedicated to transportation rather than being treated as general revenues. The federal excise tax on motor vehicle fuel is often cited in this context. Others suggest that it is unrealistic to propose such a fundamental change in government tax policy.

**New taxes.** Dedicated fuel taxes, licence fee surcharges and frontage levies are proposed by some as ways to raise money for urban transportation. Others argue that these are blunt instruments that do little to encourage more efficient travel behaviour, and that existing tax revenues should be more equitably distributed before new taxes are imposed.

**Roadway pricing.** Proponents say that this can raise money, flatten demand peaks, encourage modal shifts and lead to more efficient use of roadways. Opponents say that roadway pricing is a punitive measure against private motorists who believe they already pay their fair share.

Although opinions vary on the best funding methods, there is widespread agreement that money must be spent wisely on improved urban transportation systems, and that benefits (less congestion, improved mobility, greater efficiency) will outweigh costs.

## POLITICAL LEADERSHIP, SUPPORTED BY AN INFORMED PUBLIC, IS NEEDED TO MOVE AHEAD...

Creating and implementing a new urban transportation vision will be an institutional and social challenge, requiring the cooperative efforts of all key players. The final vision will naturally be a compromise – a balanced blending of the often conflicting goals and aspirations of many vested interest groups.

**Someone must take the lead in this process and it is logical that municipal elected officials do so.** They should be supported and encouraged by the appropriate provincial departments and their own urban planning and transportation professional staffs.

Several changes to current institutional arrangements and practices may be required to develop and implement the new vision:

- Most municipal departments are structured on vertical lines (planning, transportation, transit, sewer, water, etc.). New methods for horizontal communications may be needed.
- Where more than one municipality or more than one level of government has jurisdiction in an urban area, a mechanism will be needed to coordinate and integrate their efforts across the region, at least for planning purposes.
- Public education will be a major key to success. Without it political leaders will not have the mandate to move in the right direction. This can be a very time consuming and expensive exercise, but it is necessary.
- Checks must be built into the decision making process, to ensure that day-to-day decisions are compatible with the vision and its principles.


***References:***

(1) Transit – Supportive Land Use Planning Guidelines, Ontario Ministries of Transportation and Urban Affairs, April 1992, ISBN 0-7729-9734-9

(2) Modal Shift to Transit Project, Canadian Urban Transit Association, 1992

(3) Demonstration Project: DATS Brokerage Revisited, Edmonton Transit, 1989

(4) Environmental Policy and Code of Ethics, Transportation Association of Canada, 1992.


## THE FUTURE...

For the past 18 months the TAC Urban Transportation Council has carefully considered the most practical means of ensuring that future transportation systems:

- are more accessible and increase mobility.
- reduce pollution, frustration and waste.
- make the best use of available resources.
- support the development of urban areas that are economically competitive and socially desirable.

A NEW VISION FOR URBAN TRANSPORTATION is its answer. The vision approach calls for a long term but meaningful program of action and change – one which is beyond the scope of the Council to implement.

However, the Council's mandate does allow it to act as a catalyst, to provide a forum, to help the responsible parties work together toward common goals. The TAC Urban Transportation Council is prepared to do this in the months and years ahead. Your participation will be encouraged and welcome.

## ENDORSEMENTS FOR THE VISION

**Local**

- Halifax Regional Municipality
- Regional Municipality of Ottawa-Carleton
- Municipality of Metropolitan Toronto
- Regional Municipality of York
- Regional Municipality of Hamilton-Wentworth
- City of Regina
- Greater Vancouver Regional District
- District of Saanich

**Provincial**

- Association of Municipalities of Ontario
- Saskatchewan Urban Municipalities Association
- Ontario Transportation and Climate Change Collaborative

**National**

- Federation of Canadian Municipalities
- Transportation Association of Canada
- Canadian Institute of Planners
- Canadian Institute of Transportation Engineers
- Canadian Urban Transit Association

**TAC is a national, multi-modal, multi-jurisdictional organization promoting the provision of safe, efficient, effective and sustainable transportation services in support of Canada's social and economic goals.**


This Briefing was prepared by the TAC sponsored **Urban Transportation Council** and assembled by **John Hartman**, Council Secretary and member of the TAC Secretariat staff.


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# BRIEFING

Transportation Association of Canada | Association des transports du Canada | February 1997

# FINANCING URBAN TRANSPORTATION

*In 1993 the TAC Urban Transportation Council published a Briefing titled* ***A NEW VISION FOR URBAN TRANSPORTATION.*** *That Briefing proposes a 30 year generic vision for Canadian urban areas that can be tailored to fit to local conditions (see box below, left). The vision is supported by 13 decision making principles which point the way to a more desirable future (see box on page 2). The vision calls for significant change from past practices in terms of land use and urban structure, the role of private autos relative to other modes, and transportation funding.*

*Since its publication, the vision has been endorsed by a variety of national/provincial organizations and local governments (see box below, right). It has been cited by the Organization for Economic Cooperation and Development as an example of " best thinking on environmentally sustainable transportation in Canada". In a review of sustainable transportation for the National Round Table on the Environment and the Economy, it was called "perhaps the most influential vision statement currently in Canada".*

*This Briefing proposes a model by which urban areas can finance their new visions for urban transportation. It further develops decision making principle #13 in the TAC vision, which calls for "better ways to pay for future urban transportation systems". It reviews the need for new transportation financing methods, specifies the goal and criteria of such methods, describes elements in a new financing model, and suggests future actions.*

*The need for a new approach to funding sustainable urban transportation systems is real, and immediate. This Briefing is presented to the Canadian urban transportation community to stimulate change to meet that need.*

## A GENERIC VISION FOR URBAN TRANSPORTATION IN 2023

- A long term urban development plan has been approved.It emphasizes multi use town centres and high density,mixed use along connecting corridors.Transit has funding and operating priority in those corridors.
- Short-medium term community/ neighborhood plans have been approved. They emphasize compact, mixed use communities based on pedestrian, cycling and transit friendly design.
- Transit, highways, arterials, parking and truck routes are planned and coordinated across the urban area.
- The percentages of trips made by walking, cycling, transit and high occupancy automobiles are all increasing; the percentage of trips made by single occupant automobiles is decreasing.
- The average distance and time for peak hour commuter travel is decreasing.
- An area wide parking strategy is in place and enforced.
- There are very few places which still require on-street goods transfer.
- The physically challenged enjoy universal access to public transport facilities and services.
- Roads and bridges are in a good state of repair.
- Air pollution from motor vehicle sources is declining.
- Urban transportation infrastructure and services are adequately funded from stable and sustainable revenues.
- Political leaders have the support of a well informed public when making decisions on urban development and transportation systems to serve the area.

## ENDORSEMENTS FOR THE VISION

*(to February, 1997)*

**National**

- Federation of Canadian Municipalities
- Transportation Association of Canada
- Canadian Institute of Planners
- Canadian Institute of Transportation Engineers
- Canadian Urban Transit Association

**Provincial**

- Association of Municipalities of Ontario
- Saskatchewan Urban Municipalities Association
- Ontario Transportation and Climate Change Collaborative

**Local**

- Halifax Regional Municipality
- Regional Municipality of Ottawa-Carleton
- Municipality of Metropolitan Toronto
- Regional Municipality of York
- Regional Municipality of Hamilton-Wentworth
- City of Regina
- Greater Vancouver Regional District
- District of Saanich

## *DECISION MAKING PRINCIPLES IN THE NEW VISION*

**1. Urban Structure and Land Use**
Plan for increased densities and more mixed land use.

**2. Walking**
Promote walking as the preferred mode for person trips.

**3. Cycling**
Increase opportunities for cycling as an optional mode of travel.

**4. Transit**
Provide higher quality transit service to increase its attractiveness relative to the private auto.

**5. Automobile**
Create an environment in which automobiles can play a more balanced role.

**6. Parking**
Plan parking supply and price to be in balance with walking, cycling, transit and auto priorities.

**7. Goods Movement**
Improve the efficiency of the urban goods distribution system.

**8. Inter-Modal Integration**
Promote inter-modal and inter-line connections.

**9. New Technology**
Promote new technologies which improve urban mobility and help protect the environment.

**10. System Optimization**
Optimize the use of existing transportation systems to move people and goods.

**11. Special User Needs**
Design and operate transportation systems which can be used by the physically challenged.

**12. Environment**
Ensure that urban transportation decisions protect and enhance the environment.

**13. Funding/Financing**
Create better ways to pay for future urban transportation systems.

# *A NEW FINANCING MODEL IS NEEDED TO DELIVER TOMORROW'S URBAN TRANSPORTATION SYSTEMS...*

### Past Practices in Urban Transportation

Historically, finance and delivery of urban transportation infrastructure and services have been based on three underlying premises.

a) Urban areas would be allowed to sprawl outward, to accommodate population growth and social desires through low density development on less expensive land on the urban fringe.

b) Roads and parking would be provided to accommodate ever increasing vehicular demands resulting from that pattern of growth, and public transit would serve whatever markets it could.

c) Transportation funding would be provided, through departmental and agency budgets, primarily from consolidated general revenue accounts and general tax revenues. For senior governments that includes transportation taxes (fuel taxes, licence fees, etc.) as well as personal and corporate income taxes, sales taxes, excise taxes, etc. For local governments, the principal source is property tax.

Belief in those past practices is rapidly declining for two reasons.

- The new reality of shrinking provincial and local **budgets** means that the old approaches to land use, transportation planning and funding are no longer affordable.
- There is growing recognition that continuation of the status quo will result in 21st century urban areas which are neither environmentally nor socially nor economically **sustainable**.

### The Urban Transportation Budget Crunch

Federal and provincial deficit reduction programs, decreased transfer payments, the trend to downsizing government, declining tax bases in some areas, and citizen resistance to tax increases are combining to reduce public budgets. At the same time a growing, changing and aging population continues to exert strong demand for social and other services provided by government.

Urban transportation is caught up in this budget crunch. Local governments have less money available for transportation and (in some cases) more road and transit responsibilities assigned by the provinces. In various locations, roadway maintenance being deferred, capital funds are being used for maintenanc

new construction is being delayed or cancelled, and transit budgets are being reduced.

Meanwhile, automobile demand continues to grow. Urban populations, the number of automobiles and the average annual kilometers driven per automobile are all increasing, while the average number of occupants per automobile is decreasing. It is becoming obvious that governments will not be able to finance transportation systems to serve increasing vehicle demands the same way they did in the past.

## Unsustainable Urban Transportation

Past practices are leading to urban transportation systems which are not sustainable in the long run. Warning signs are all around.

**In the environment:** increased consumption of fossil fuels and other non-renewable resources; air pollution leading to more asthma and emphysema; greenhouse gas emissions (notably carbon dioxide) contributing to global warming and climate change; consumption of valuable land.

**In society:** communities in which auto use is more a necessity than a luxury; lack of "sense of place" in neighborhoods without lively and pedestrian friendly streetscapes; empty, alien landscapes with unsafe areas for many citizens, especially at night; family disruptions when one or both parents must spend long times in stressful commutes.

**In the economy:** traffic congestion; deteriorating infrastructure; systems which cannot operate at maximum efficiency; hidden subsidies and accounting systems that ignore environmental and social costs, thus sending the wrong market signals to public decision makers and travelers.

## New Visions for Urban Transportation

Both the budgetary and the sustainability challenges can be addressed by adopting new visions at the local level. TAC's 1993 *NEW VISION FOR URBAN TRANSPORTATION* provides a model (Reference 1).

A new vision can replace the status quo practices of the past. It will help communities move toward sustainability **and** it will result in urban transportation systems which are less expensive to build and operate than they would otherwise be.

A new vision can achieve these dual goals because it will reshape urban development, reduce per capita travel requirements, lessen reliance on single occupant auto trips, shift demand to more efficient and environmentally friendly patterns and modes, encourage integrated approaches by all governments in the urban area, and make the best use of existing revenue.

But even with new visions, there will be cases where traditional budgeting practices do not provide adequate funding. In those cases, a new financing model will be required to bridge the gap between what is available and what is required.

# *A NEW FINANCING MODEL SHOULD MEET A BASIC GOAL AND NINE CRITERIA...*

The ***goal*** of the new model is to provide adequate and secure funds to deliver urban transportation systems that support new visions and move toward a sustainable future.

The new model should meet the following ***criteria***.

1. **Stable and Predictable**. Capital, operating and maintenance funding should be stable over time, predictable in magnitude, and provide long term financial commitment to the new vision.

2. **Transparent**. The sources and allocation of funds should be open, clearly presented, and easily understood by decision makers and the public to ensure accountability and fairness.

3. **Least Cost.** The model should foster an urban transportation system operating at the least possible total cost to the environment, society and economy.

4. **Simple.** The process should carry a low administrative overhead burden.

5. **Access to Funds.** When senior governments assign additional transportation responsibilities to local governments, access to sufficient additional revenues should be provided at the same time.

6. **User Pay.** Funds should be increasingly derived from users, with transportation treated as a government controlled utility where the user is charged based on consumption.

7. **Dedicated.** Revenues derived from user pay methods should be dedicated, by law, to urban transportation system improvements that support new visions.

8. **Public Involvement.** Public support for the model, resulting from information and consultation programs, should be an integral part of the process.

9. **Measurable Results.** Performance indicators should be used to measure progress and report to decision makers and the public. Reference 2 provides sample indicators.

# FOUR ELEMENTS OF A NEW FINANCING MODEL...

There is no single, simple solution to the urban transportation financing challenge. While the goal and criteria in the previous section should be met, any new financing model must draw heavily on traditional budgetary sources in the early years, and be supplemented over time with a blend of new efficiencies and revenue sources, which may differ between provinces and even between urban areas within a province.

This section presents a variety of elements which may be part of a new model. They are not mutually exclusive. They start with obvious and direct actions which are under local control today, and move on through more complex and contentious issues that will require intergovernmental cooperation and, in some cases, legislative change.

Elements 1 and 2 address government cost savings and efficiencies within existing departmental budgets. Element 3 considers reallocating and dedicating portions of existing transportation derived revenues. Element 4 proposes a variety of additional and new dedicated revenue sources. All four elements may not be required in all situations.

## 1. *Maximize Government Efficiency and Effectiveness.*

Before contemplating any new fees, first maximize government effectiveness and efficiency, in all departments and service delivery areas.

- Increase value for expenditure through the application of performance indicators, best practices, benchmarking and performance management.
- Consider alternative and potentially more cost effective delivery mechanisms such as interdepartmental cooperation in purchase and delivery, contracting out and public-private partnerships.
- Restructure or merge organizations to reduce overheads and duplication, and improve public accountability.
- Streamline processes of purchasing, financial controls and decision making.

## 2. *Make the Best Use of Existing Transportation Dollars.*

Efficiencies should be pursued in all aspects of urban transportation planning, design, construction, operations and maintenance.

- Reallocate and give priority to transportation investments that support the vision.
- Coordinate multimodal transportation and land use planning and delivery functions throughout the urban area.
- Use lifecycle costing and value engineering approaches for infrastructure construction and maintenance.
- Review the benefits of large capital projects in relation to the benefits of the same funds spread over a variety of smaller projects, to maximize the overall rate of return.
- Encourage transportation operations and service delivery that are businesslike and cost effective.
- Explore alternate means of delivering transportation programs, including : public-private partnerships, rationalized equipment and facilities to reduce duplication, and revised design standards to lower costs.

### *PUBLIC-PRIVATE PARTNERSHIPS*

Public-private partnerships are cooperative ventures between governments and the private sector to develop or improve public infrastructure or services, while retaining public control.

Benefits to governments can include:

- investments in new, improved, or repaired facilities that government could not otherwise afford.
- more rapid or efficient development or operation of a facility.
- reduced risks for the public sector.
- new revenues for the facility (eg: from ancillary development) and for government (through taxes or franchise fees).

A wide range of partnership types is possible, from fully public to fully private. The range of options *(and sample projects)* are:

- Operations & Maintenance Service (*transit systems, garbage collection, sewage treatment* )
- User Fee Support *(Vancouver Airport)*
- Design/Build *(Trans Canada Highway interchange in BC)*
- Design/Build/Major Maintenance *(Charleswood Bridge in Winnipeg)*
- Design/Build/Operate *(Highway 407 in Ontario)*
- Build/Lease/Operate/Transfer *(sports complex)*
- Lease/Develop/Operate *(Gloucester, ON City Hall)*
- Finance / Design / Build / Transfer / Operate *(California Highway SR-91)*
- Finance / Design / Build / Operate / Transfer *(Confederation Bridge to PEI)*
- Finance / Design / Build / Own / Operate *(Mont St. Anne ski resort)*
- Buy Asset/Own/Operate *(CN Rail privatization).*

The tremendous increase in popularity of these partnerships led to creation of the **Canadian Council for Public-Private Partnerships**, whose 1996 Project Inventory (Reference 3) lists over 200 projects in Canada.

### 3. *Reallocate and Dedicate a Portion of Existing Transportation Derived Revenues.*

Elements 3 and 4 are based on the premise that urban transportation funding should move toward a system in which the user is charged based on consumption. This concept is reflected in many existing utilities, such as municipal water and wastewater services, electricity and natural gas supply, and long distance telephone. Transit riders also pay based on consumption, and the trend is to increase transit revenue/cost ratios. The advantages of such an approach, with dedicated fees, are that it will : increase transparency and accountability; maintain and protect the transportation network as a key economic asset; and start to send the correct market signals to consumers. These benefits can be achieved if revenues are applied to multimodal systems in support of local visions.

The principal sources of federal and provincial government revenues derived from roadway transportation are:

- **federal excise tax on fuel.**
- **provincial fuel taxes.**
- **provincial vehicle registration fees.**

About half the pump price of gasoline in Canada (26 cents/litre in 1993) is in federal and provincial taxes (Reference 4). This element proposes that the majority of money collected from fuel taxes and licence fees be identified as taxes and retained as general revenues, and an appropriate portion be identified as a transportation fee and dedicated to urban transportation in support of local visions. Any future increases to either the general revenue tax or the dedicated urban transportation fee would be identified as such at the time.

*EXAMPLES:*

- *Dedicated gasoline taxes and related road revenues charges have financed the US Federal Highway Trust Fund since 1956, and the work of Metropolitan Planning Authorities under the Intermodal Surface Transportation Efficiency Act since 1991. Every state except New Jersey dedicates fuel taxes to transportation.*
- *In Montreal, the Metropolitan Transportation Agency budget includes a $30, per vehicle, provincial licence charge which is dedicated to transit in the Region.*
- *The Canadian Automobile Association, the Coalition to Renew Canada's Infrastructure, the Western Canada Roadbuilders Association, the Ontario Minister of Transport and others have been urging the federal government to dedicate 2 cents/litre of the 10 cents/litre federal excise tax on gasoline to fund road improvements.*
- *Ontario's "Who Does What" Panel recommended that municipalities have access to a portion of existing provincial gasoline taxes to help fund transit systems and provincial highways in urban areas.*
- *The Ontario Regional Engineers Association recommended to the Ontario Minister of Finance that a portion of existing fuel taxes be dedicated to transportation systems.*
- *The Regional Municipality of Ottawa-Carleton proposed that those portions of provincial gas taxes and licence fees that the province was spending on municipal roads be rebated annually to the municipalities in which they were collected, and dedicated to local transportation improvements.*

#### *METROPOLITAN TRANSPORTATION AGENCY*

The Province of Quebec has created a new model for urban transportation funding and delivery in the Greater Montreal Region. On January 1, 1996 the Metropolitan Transportation Agency came into being with a mandate to achieve the following provincial objectives:

- regional multimodal planning.
- definition of regional transit and road networks.
- coordination between road network management and public transit systems.
- provision of stable long-term financing of public transportation by establishing dedicated sources of funding within the region.
- allocation of shared cost of regional facilities and infrastructure among all municipalities in the region.
- participation of users, property owners and non-user beneficiaries in financing public transit operating expenses.
- fare integration and harmonization among transit systems in the region.
- regional management and financing of commuter trains.

A five member governing board is appointed by the province in consultation with local municipalities.

Revenues for the agency's first year budget of $158 million will include:

- a new, dedicated 1.5 cent/liter gasoline tax in the Montreal Region, starting January 1, 1996 ( $43 million)
- vehicle licence surcharges of $30/vehicle in the Region, dedicated to the agency ($39 million).
- property levies on municipalities that receive commuter train service ($17 million).
- property levies on municipalities for a capital asset fund ($5.5 million in 1996, rising to $17 million per year in 1999).

Remaining funds will come from regional transit passes, commuter rail revenue and a provincial commuter rail infrastructure subsidy.

### 4. *Introduce and Dedicate New User Fees.*

After dedicated fees (from Element 3) are added to departmental/agency budgets derived from general revenues, the total may still not be sufficient to bridge the gap between what is available and what is required to achieve new visions for urban transportation. Nor will those means be entirely adequate to : modify personal decision making in directions compatible with new visions; increase system wide efficiency, equity and choice; and help achieve community sustainability. New and dedicated user fees should be considered to achieve these goals.

The transportation industry nationally and internationally is undergoing revolutionary changes. With deregulation has come increased competition, reduction and elimination of subsidies, and private delivery of formerly public transportation services. The principle of user pay, or direct charge for consumption, has become firmly entrenched in competitive national and international transportation marketplaces. These developments have not yet been reflected in urban transportation but they may, as urban areas struggle to maintain services and competitive advantage in relation to other urban areas. The results may be intense pressure to reduce or eliminate subsidies, to institute the principle of user pay, and to create roles for the private sector where none have traditionally existed.

There is growing evidence in the transportation community that people are willing to pay for services received provided that the increased costs are dedicated to system improvements. A 1992 Angus Reid poll commissioned by the Better Roads Coalition of Ontario showed that 82% of respondents would favour more road user taxes if they were applied to the improvement and expansion of Ontario's roads. A national symposium sponsored by TAC in 1995 also supported the user pay approach in transportation (Reference 5). Public acceptance of additional transportation fees would be greatly enhanced if matched by decreased taxes or fees in other areas.

New user fee options include:

- **additional gasoline fees.**
- **additional vehicle licence fees.**
- **auto commuter levies.**
- **revenue based parking fees.**
- **toll roads and bridges.**
- **roadway congestion pricing.**
- **property development charges.**
- **right of way fees.**

**Additional gasoline fees** would be added to the pump price throughout the urban area. The increase need not be large to generate substantial funds. A fee on diesel fuel is not recommended; research in Ontario and Quebec concluded that costs to the economy outweigh benefits. Revenue potential can be high but impact on travel behaviour will be minimal unless the fee is substantial.

*EXAMPLES*

- *The Metropolitan Transportation Agency budget includes a new 1.5 cents/litre dedicated gasoline fee, collected throughout the Montreal Region.*
- *In British Columbia, additional gasoline fees of 4 cents/litre (in the Greater Vancouver Transit Area) and 1.5 cents/litre (in the Victoria Transit Area) are dedicated to BC Transit.*

**Additional vehicle licence fees** would be charged annually on vehicles registered in the urban area, and collected at time of registration. Revenue potential can be high but impact on travel behaviour will be minimal.

#### *A 1995 NATIONAL SYMPOSIUM FOUND SUPPORT FOR USER PAY PRINCIPLES*

In April, 1995 TAC sponsored a national symposium to explore the concepts and issues of user pay in all modes of Canadian transportation, both urban and intercity. Some 120 delegates representing governments, carriers, shippers and others met for 1 1/2 days. **Key findings from the symposium were:**

- There was general acceptance of the user pay principle, the most important objectives being cost recovery and demand management to help reduce transportation costs.
- Revenues from user charges should be dedicated to transportation, not just the mode in question, particularly for urban transportation. It is generally appropriate to apply increased user charges on top of existing transportation taxes if this provides a better service. User charges should apply not only to new facilities but also to existing facilities.
- Government subsidies should be reduced or eliminated except where necessary to ensure safety and ongoing existence of essential public transportation services (eg: urban transit).
- Economic risks of becoming uncompetitive must be an important factor in setting increased user charges, which must be manageable and reasonable in terms of what demand will support. Differential pricing (eg: by geographic area, level of congestion) is appropriate.
- A trust fund/agency or other self-administered institutional arrangements would be appropriate to administer user charges and ongoing facility funding/management in order to achieve improved efficiency and accountability.

Source: Reference 5.

**Auto commuter levies** would be additional annual charges on all private vehicles registered in the urban area and used for commuting to and from work. The fee would be collected at the time of registration, when the owner would state whether or not the vehicle is used to commute. A similar system based on "pleasure" or "work", is used by some insurance companies in determining premiums.

A flat fee would simplify administration. However, incentives could be built in for shorter commutes and/or high occupancy vehicle use. Revenue potential and impact on travel behaviour will depend on fee levels and incentives.

**Revenue based parking fees** would be charged on parking spaces in designated areas. For commercial parking operators, fees could be based on gross receipts; for free parking at suburban malls and commercial strips, they could be based on the common area tax and maintenance charges levied against each tenant. The resulting increase in the price of goods in the suburbs should balance the effect of pay parking downtown.

**Toll roads and bridges** would have the user charged a direct fee at the time the facility is used. Road tolls are based on distance and may vary by time of day. This is not a new idea; toll roads and bridges have been in operation throughout the world for 2000 years. They are used in the United States and other countries, and are now returning to Canada. Toll facilities are especially well suited to public-private partnerships, and electronic technology makes toll collection relatively simple.

Public acceptance of new toll roads seems to be based on three factors : tolls are dedicated exclusively to the new road; an alternate, untolled road is available; and the tolled road offers faster travel time and a higher level of service. Recent public-private partnership agreements show that revenue potential can be sufficient to build and operate new toll roads, although usage is sometimes higher (California) and sometimes lower (Washington, DC) than predicted. Vehicle demand may increase; some users may choose alternate routes.

*EXAMPLES*

- *Coquihalla Highway, British Columbia (NOTE: Tolls are not dedicated, but go to general revenue.)*
- *Highway 407, Ontario - a 69km electronic toll urban highway across Metropolitan Toronto, being built as a public-private partnership, to be opened in 1998.*
- *Highway 104, Nova Scotia - an electronic toll highway being built as a public-private partnership, to open in 1997.*
- *Confederation Bridge between Prince Edward Island and New Brunswick - a toll bridge built as a public-private partnership to be opened in 1997.*
- *A Southwest Ring Road (Edmonton) and a refurbished Lions Gate Bridge (Vancouver) are also candidates for public-private partnership toll facilities.*

**Roadway congestion pricing** would have the user charged for driving on congested roads or in congested areas during peak periods, with a lower charge (or no charge) in off peak periods. This option, which incorporates demand management, has the potential to flatten demand peaks, encourage shifts to other available modes, make more efficient use of existing infrastructure, and secure dedicated funds. Electronic technology now makes this option feasible.

Revenue potential is medium to high, after collection costs. Road users can experience less congestion and enjoy well maintained infrastructure. However, the most significant feature of roadway congestion pricing is that it offers more potential than any other option to change travel behavior, support new visions and move toward sustainability. It sends the most direct signals that: urban transportation infrastructure is an increasingly scarce commodity that must be utilized efficiently; and use of transit, high occupancy vehicles, cycling or walking can reduce or eliminate the cost borne by the user. This in turn may initiate forces that eventually change land use and urban structure - the key to sustainable communities in the long run.

There are no Canadian examples, although Highway 407 tolls will vary by time of day. A fee to bring a vehicle into central Singapore has existed for many years, and Bergen, Olso and Trondheim (Norway) have cordons around the core areas that require a fee to cross.

**Property development charges** (in places where development charges are used) would add premiums to reflect the added costs to the community from increased traffic and the added benefits to the developer from adequate access. Incentives could be provided for developers who conform to the vision and disincentives for those who do not (eg: higher charges for low density, auto dependent development).

**Right of way fees** would be space rentals on sewer, water and gas lines as well as communications and electrical cables using space within the road right of way.

**Benefit assessment** would be a surcharge on properties in designated areas served by transit, dedicated to the transit system. This is not a true user pay option since it is not based on consumption, but helps fund transit in Montreal and some cities in the Western U.S.

# COORDINATION AND COOPERATION ARE REQUIRED TO MOVE AHEAD...

Canadian urban areas face significant financing challenges as they attempt to maintain and operate current urban transportation systems while moving toward a sustainable future. This Briefing proposes a new financing model which would be based on:

- traditional departmental/agency budgets derived from general revenues,
- supplemented over time by dedicated fees from a variety of new sources.

It is important to maximize the efficiency and effectiveness of all local government operations and services before contemplating new fees in the transport sector.

To achieve a new model will require coordination and cooperation between federal and provincial governments, between provinces and their municipalities, between municipalities in each region, and between governments and citizens. Five major steps are required.

### 1. *Adopt a Local Vision for Urban Transportation.*

Each urban area should first adopt its own local vision for urban transportation, using the TAC vision as a model. Some municipalities have already done this. The vision will result in relatively less expensive systems, provide a framework for future action and involve citizens in the process.

### 2. *Determine Financial Requirements to Achieve the Local Vision.*

Comparison of transportation budgets from traditional sources versus requirements to achieve local visions will help prioritize projects and identify any financing shortfalls.

### 3. *Select a Package of New Revenue Sources to Fill the Gaps.*

A key feature of any new vision, which is fundamental to the success of a new financing model, is that it offers choices in land use and travel options. User fees should be designed to provide and encourage choices that minimize future urban transportation costs to the total community. Care must be taken to avoid economic imbalances or competitive disadvantages between municipalities, regions, and provinces. New revenue sources must be acceptable to citizens and all levels of government. Consultation and consensus building will be required throughout. In some cases, legislative change, empowering municipalities, may be needed prior to implementation.

### 4. *Create Mechanisms to Dedicate New Revenues.*

Dedication will be critical for public acceptance. Details on how new revenues will be collected, and who will control them and how, must be decided in consultations between provinces and their municipalities. Clarification of provincial, regional and city mandates regarding urban transportation infrastructure and services may be required, to ensure that jurisdictional disputes do not compromise good planning and operations. Legislative change may again be required to empower municipalities, who in turn may require new by-laws to administer the funds.

### 5. *Allocate Funds to Support the Local Vision.*

Performance indicators, based on policies and priorities in local visions should be established, monitored over time, and reported to the public. This will help track progress in achieving the vision, justify revenue allocations, and demonstrate the benefits received.

None of this will be accomplished easily. But the benefits - in terms of environmentally, socially and economically sustainable communities for future generations - are well worth the effort.


**References:**

(1) ***A New Vision for Urban Transportation***, Transportation Association of Canada, 1993.

(2) ***Urban Transportation Indicators in Eight Canadian Urban Areas***, Transportation Association of Canada, June 1996, ISBN: 1-55187-102-5.

(3) ***1996 Project Inventory***, Canadian Council for Public-Private Partnerships. Tel: (416) 601-8111

(4) ***Transportation Taxation and Competitiveness***, Transportation Association of Canada, Sptember 1993, ISBN: 1-895102-43X

(5) ***Transportation User Pay Symposium - Summary of Proceedings***, Transportation Forum No.6, Transportation Association of Canada, 1995, ISSN: 0826-8193


***TAC mission: to promote the provision of safe, efficient, effective and environmentally sustainable transportation services in support of Canada's social and economic goals.***


This Briefing was prepared by the TAC sponsored **Urban Transportation Council** and assembled by John Hartman, Council Secretary and member of the TAC Secretariat staff.


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# GTSB

***This Accord arose from two Transportation Workshops held in August and October, 1999.***

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## A Call To Action

### A Transportation Investment Partnership for the Greater Toronto Area and Hamilton-Wentworth

The Greater Toronto Area and Hamilton-Wentworth region is facing a transportation crisis. Congestion pressures are unparalleled in Canada. Declining investment in our transportation infrastructure threatens our quality of life and economic competitiveness. Left unaddressed, the repercussions will be far reaching.

The economy of the GTA and Hamilton-Wentworth region is the driving force behind Ontario's prosperity. Its long-term success is critical to the well-being of the province and the nation. Yet congestion is grinding the movement of people and goods to a halt and threatening our competitive trade advantage. We cannot afford the status quo.

What is required is an investment in our future. The investment needed goes beyond the financial capacity of GTA and Hamilton-Wentworth municipalities. It cannot be sustained on the property tax base of our residents and businesses. It demands a shared responsibility that includes the Government of Canada and the Province of Ontario.

All levels of government must reinvest some of the wealth generated by this region back into the transportation system which is the foundation for that wealth. It is an investment which will pay dividends in the economic prosperity, safety, health and well-being of all our communities. It is critical to the quality of the air we breathe and to meeting our international obligations on global warming.

We are committed to the development of a transportation plan for the GTA and Hamilton-Wentworth. The plan will target priorities and ensure the optimal use of resources to overcome our congestion crisis. The regional transportation system must include a balanced use of all modes, a strong public transit network, an efficient road system, co-ordination among the various modes of travel, and ongoing revitalization of our existing infrastructure. But, successful implementation will require new investments.

Action must be taken now. We, the signatories of this transportation accord, are committed to ensuring that the Greater Toronto Area and Hamilton-Wentworth region continues to thrive. A transportation investment partnership must be forged. All levels of government and the private sector must work together to ensure secure, ongoing investment in our transportation infrastructure in the 21st century.

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**The Greater Toronto Services Board**
1000 Murray Ross Parkway, Toronto, Ontario M3J 2P3
Tel: (416) 338-2989 Fax: (416) 338-2994
**Toll Free 1-877-335-3319**

http://www.gtsb.on.ca/transaccord.html

# APPENDIX D

Regional Council
26 May 1999

**REGION OF OTTAWA-CARLETON RESOLUTION ON FUNDING TRANSPORTATION, MAY 1999**

**Council approved the following:**

1. **That the Region of Ottawa-Carleton actively support and promote a Transportation Funding Partnership with the Provincial and Federal Governments, and put in place a dedicated transportation fund for the Region;**

2. **That the Region of Ottawa-Carleton, as part of the proposed Transportation Funding Partnership, request the Province of Ontario to transfer, effective 1 January 2000, $32M per year, from the existing fuel tax, driver license and vehicle registration fee revenues and the 8% Provincial sales tax on parking charges in Ottawa-Carleton, to meet Ottawa-Carleton's transportation funding shortfall;**

3. **That the Region of Ottawa-Carleton request the Province of Ontario to investigate the feasibility of implementing fuel surtax, insurance surcharge, distance/weight based vehicle registration fees, congestion pricing, and road pricing in the urban Regions in Ontario, with the revenue from these sources to be used to proportionately reduce the transportation component of the property tax;**

4. **That the Region of Ottawa-Carleton, as part of the proposed Transportation Funding Partnership and the proposed national strategy under the Kyoto Protocol, request the Government of Canada to:**

   a) **transfer part of the Federal fuel tax revenues, at 3 cents per litre of fuel sold annually in Ottawa-Carleton, to be used exclusively for supporting transportation systems, with particular emphasis on environmentally friendly modes in view of Canada's commitment to the Kyoto Protocol;**

   b) **provide tax exemption to employer-provided transit passes;**

5. **That the Region of Ottawa-Carleton request the Federation of Canadian Municipalities, Association of Municipalities of Ontario, and the Transportation Association of Canada to support the above requests to the Provincial and Federal governments;**

6. That staff be directed to develop a communication strategy to provide a clear message for the Provincial and Federal governments regarding the merits of the proposed Transportation Funding Partnership, and of implementing a dedicated transportation funding system in Ottawa-Carleton;

7. That staff be directed to circulate the recommendations in this report, as approved by Council, to senior levels of government, municipalities, other interested organizations, and community groups and businesses in Ottawa-Carleton.

8. That the Chair of the Region, the Chair of the Transportation Committee and the Chair of the OC Transpo Commission hold a press conference within 7 days, (immediately after the Council meeting of 26 May 1999), in which they describe to the public the difficulties of operating a transit system and maintaining a road system without access to the taxes collected in Ottawa-Carleton from gas, registration and licensing fees.

# APPENDIX E

## Exhibit ES.1: Key Transportation and Land-Use Indicators

| Indicator Description | Urban Area: Regina | Saskatoon | Windsor | Victoria | Niagara | Kitchener | London | Hamilton | Winnipeg | Calgary | Edmonton | Ottawa-Hull | Vancouver | Montreal | Toronto |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Background** | | | | | | | | | | | | | | | |
| Population in Region | 194,000 | 219,056 | 279,000 | 304,000 | 372,000 | 383,000 | 399,000 | 624,000 | 667,000 | 822,000 | 892,000 | 1,010,000 | 1,830,000 | 3,326,510 | 4,265,000 |
| Employment in Region | 96,000 | 107,145 | 131,000 | 149,000 | 165,000 | 182,350 | 190,405 | 294,000 | 325,000 | 442,000 | 434,000 | 502,000 | 908,000 | 1,502,380 | 2,060,000 |
| Population in EUA | 180,000 | 193,647 | 235,000 | 286,100 | 274,000 | 358,000 | 327,000 | 536,771 | 618,000 | 768,000 | 616,000 | 807,555 | 1,680,000 | 3,045,979 | 3,970,000 |
| Employment in EUA | 87,000 | 87,000 | 115,000 | 132,500 | 112,000 | 171,040 | 154,000 | 227,000 | 300,000 | 390,000 | 313,000 | 448,175 | 797,000 | 1,371,940 | 1,940,000 |
| EUA Land Area (km2) | 110 | 140 | 200 | 327 | 470 | 317 | 440 | 423 | 460 | 720 | 750 | 1,027 | 1,300 | 2,026 | 2,300 |
| **Land Use Characteristics** | | | | | | | | | | | | | | | |
| Population Density in EUA (people/km2) | 1,636 | 1,383 | 1,175 | 875 | 583 | 1,129 | 743 | 1,268 | 1,343 | 1,067 | 821 | 786 | 1,292 | 1,503 | 1,726 |
| Employment Density in EUA (jobs/km2) | 791 | 621 | 575 | 405 | 238 | 540 | 350 | 536 | 652 | 542 | 417 | 436 | 613 | 677 | 843 |
| Employment-to-Population Ratio in CA | 0.18 | | 1.26 | 0.49 | 0.91 | 0.33 | | | 0.40 | 0.27 | 0.11 | 0.40 | 0.65 | | 0.35 |
| **Transportation Supply** | | | | | | | | | | | | | | | |
| Arterial Lane-km per 1,000 Capita in EUA | 5.26 | 9.19 | 1.91 | 1.48 | 7.33 | 4.51 | | 2.27 | 2.82 | 5.22 | 4.26 | 3.81 | 3.32 | 1.48 | 2.52 |
| Expressway Lane-km per 1,000 Capita in EUA | 0.72 | 0.62 | 0.44 | 0.12 | | 0.73 | | 1.61 | 0.19 | 1.74 | 1.24 | 0.77 | 0.33 | 0.60 | 0.50 |
| HOV Lane-km per 100,000 Capita in EUA | 7.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1.29 | 0.00 | 1.79 | 6.07 | 1.85 | 1.12 | 2.34 |
| Automobiles per Capita in EUA | 0.75 | 0.67 | | 0.47 | | 0.57 | | | 0.46 | 0.76 | 0.53 | 0.57 | 0.56 | | 0.55 |
| AM Peak Period Transit Seat-km per Capita in EUA | 1.12 | 0.87 | | 0.77 | | 0.56 | 0.72 | | 0.85 | 2.07 | | 2.60 | 1.59 | | 2.42 |
| 24-h Transit Seat-km per Capita in EUA | 4.32 | 4.00 | 1.82 | 4.75 | 2.06 | 1.93 | 3.94 | 3.65 | 5.50 | 7.89 | | 9.52 | 6.42 | 8.21 | 8.61 |
| Off-Street Parking Spaces per Employee in CBD | | 0.86 | 0.18 | 0.32 | | | 0.57 | 0.72 | | 0.51 | 0.66 | 0.36 | 0.38 | | 0.18 |
| **Transportation Demand** | | | | | | | | | | | | | | | |
| AM Peak Period Transit Mode Share to/from CBD | 12.0% | 17.1% | | | 2.6% | 5.4% | | 14.0% | 36.0% | 33.1% | 29.5% | 32.8% | 38.7% | 58.4% | 56.1% |
| AM Peak Period Auto Mode Share to/from CBD (driver+pass.) | 88.0% | 78.8% | | | 85.7% | 89.2% | | 63.0% | 58.0% | 60.9% | 67.7% | 55.0% | 54.6% | 37.8% | 38.9% |
| AM Peak Period Auto Mode Share for EUA (driver+pass.) | 95.0% | | | | 76.0% | 78.3% | 65.0% | 77.0% | 70.4% | 80.0% | 68.6% | 71.7% | 76.2% | 53.3% | 68.5% |
| AM Peak Period Auto Occupancy to/from CBD | 1.26 | 1.20 | | | 1.15 | 1.10 | | 1.13 | 1.36 | 1.30 | 1.23 | 1.28 | 1.19 | 1.33 | 1.21 |
| AM Peak Period Auto Occupancy for EUA | 1.32 | | | | 1.25 | 1.24 | 1.23 | 1.20 | 1.18 | 1.21 | 1.45 | 1.24 | 1.42 | 1.27 | 1.21 |
| AM Peak Period (1-h) EUA Person-Trips per Capita | 0.32 | | | | 0.31 | 0.17 | | 0.14 | | 0.26 | 0.30 | 0.23 | 0.31 | | 0.24 |
| 24-h Person Trips per Capita for EUA | | | | | 2.60 | 2.71 | 2.66 | 2.13 | | 3.71 | | 2.80 | 3.44 | | 2.05 |
| Annual Transit Rides per Capita for EUA | 39.3 | 45.3 | 24.9 | 60.6 | 15.7 | 26.6 | 40.3 | 39.4 | 63.4 | 91.3 | 62.8 | 101.5 | 72.9 | 124.5 | 118.8 |
| 24-h Arterial Auto Vehicle-km per Capita for EUA | 11.5 | | | | | | | | 7.4 | | 15.2 | 17.2 | | | 7.0 |
| Average-Day Veh-km per Capita, Calculated from Fuel Sales | 26.3 | 26.0 | 20.6 | 22.4 | 23.1 | 24.5 | 24.7 | 24.2 | 24.4 | 28.2 | 23.4 | 22.3 | 22.2 | 20.6 | 26.8 |
| *Year of Travel Demand Survey* | *1989* | *1997* | *1996* | *1996* | *1996* | *1996* | *1987* | *1996* | *1992* | *1996* | *1994* | *1995* | *1995* | *1993* | *1996* |
| **Transportation System Performance** | | | | | | | | | | | | | | | |
| Average Home-Work Trip Distance in EUA | 6.0 | 8.0 | | 6.6 | 12.8 | 15.2 | | | 6.1 | 12.0 | 10.3 | 12.7 | 13.2 | 16.7 | 15.6 |
| Annual Injuries and Fatalities per 1,000 Capita in EUA | 6.9 | 6.1 | 6.3 | | | 2.9 | | 5.2 | 5.8 | 6.5 | 12.2 | 7.5 | 18.3 | | 4.3 |
| Road Utilisation Index in EUA (veh-km/lane-km) | 232 | | | | | 314 | | | | 297 | 265 | 368 | 592 | | 711 |
| **Transportation Costs and Finance** | | | | | | | | | | | | | | | |
| Total Road Expenditures per Capita in Region | 126.5 | | 61.5 | | 72.6 | 121.3 | | 138.0 | 134.9 | 184.2 | 138.3 | 120.8 | 236.8 | 250.1 | 56.8 |
| Total transit expenditures per Capita in Region | 68.9 | 72.6 | 51.5 | 149.6 | 35.8 | 69.9 | 93.5 | 113.3 | 118.0 | 145.8 | 125.0 | 234.7 | 202.3 | 281.6 | 354.7 |
| Farebox Revenue/Operating and Maintenance Budget | 50.1% | 54.3% | 59.3% | 49.4% | 44.5% | 54.7% | 60.9% | 51.7% | 60.5% | 46.8% | 38.2% | 55.0% | 50.2% | 45.6% | 70.6% |
| **Environmental Impact of Transportation** | | | | | | | | | | | | | | | |
| Fuel Usage per Capita (L/capita/year) | 1,078 | 1,067 | 845 | 919 | 949 | 1,006 | 1,014 | 993 | 1,000 | 1,158 | 960 | 915 | 909 | 847 | 1,099 |
| Fuel Usage per Person-Trip in EUA (L/trip) | | | | | 1.00 | 1.02 | 1.05 | 1.28 | | 0.86 | | 0.90 | 0.72 | | 1.47 |
| CO2 Emissions per Capita in EUA (tonnes/year) | 2.54 | 2.51 | 1.99 | 2.17 | 2.24 | 2.37 | 2.39 | 2.34 | 2.36 | 2.73 | 2.26 | 2.16 | 2.14 | 2.00 | 2.59 |
| CO2 Emissions per Person-Trip in EUA (kg/trip) | | | | | 2.35 | 2.40 | 2.46 | 3.01 | | 2.01 | | 2.11 | 1.71 | | 3.46 |

**Reference: TAC-ATC Urban Transportation Indicators**
**1996 Survey 2**

# APPENDIX F

## Estimated Annual Federal Revenues from 3 cents/litre of Fuel Taxation in Canada's 18 Largest Urban Regions, 1996.

| Urban Area | Revenue @ 3 cents/litre (millions) |
|---|---|
| Calgary | $27.0 |
| Edmonton | $19.0 |
| Halifax | $9.0 |
| Hamilton | $17.0 |
| Kitchener | $11.0 |
| London | $10.0 |
| Montreal | $77.0 |
| Niagara | $8.0 |
| Ottawa-Hull | $24.0 |
| Quebec | $18.0 |
| Regina | $6.0 |
| Saint John | $3.0 |
| Saskatoon | $6.0 |
| Toronto | $131.0 |
| Vancouver | $46.0 |
| Victoria | $8.0 |
| Windsor | $6.0 |
| Winnipeg | $19.0 |
| TOTAL | $444.0 |
| All Canada | $1,000.0 |

**Reference:** **Derived from data in TAC-ATC Urban Transportation Indicators 1996 Survey 2**

3.4

# LAKELAND FAMILY POOL ASSOCIATION

160 Van Wagners Beach Road
Hamilton, Ontario L8E 3L8
(905) 549-9970

August 18, 2000

TO: **HAMILTON CITY COUNCIL**

RE: **REQUEST FOR ADDITIONAL FUNDING**

**BACKGROUND:**

On July 18, 2000, Lakeland Pool finally opened to the public. This delayed opening caused numerous fincancial hardships for the pool. There was a **3-week** delay due to major deck repairs required to pass the *"Health Inspection"*. Last year with the help of ***El Nino*** we enjoyed a hot, humid and sunny summer. This year however, it has been the opposite. It has been one of the ***coldest and wet summers on record.*** On a hot sunny day with the temperature of *28 Celsius,* we average 350 people in the pool and see revenues in excess of $1,000.00. This has only happened three times this summer. Last year's attendance was 18,000 versus 3,415 so far this year.

**INCOME**

| | |
|---|---|
| City of Hamilton | $20,000.00 |
| Memberships, Gate, Snack bar | 6,214.52 *(to date)* |
| Columbia Chemicals | 1,000.00 |
| V.F.T. | 1,000.00 |
| Azurix | 300.00 |
| John Munro | 200.00 |
| Transtechnology Inc. | 180.00 |
| Tallman Engineering | 60.00 |
| Nufast | 60.00 |
| Bouling Metals | 25.00 |
| Ontario Works | 650.00 |
| Sub-total | $29,975.00 |
| | |
| Bank Balance | 3,600.00 |
| Projected Income | 8,500.00 |
| | |
| **Total Projected Income** | $42,075.00 |

## OPERATING EXPENSE PAID TO DATE

| | |
|---|---|
| Wages | $16,606.64 |
| Materials, supplies, rent | 8,836.00 |
| Insurance | 6,400.00 |
| Pool Chemicals | 800.00 |
| Sub total expenses | $32,642.64 |

## ACCOUNTS PAYABLE

| | |
|---|---|
| Life Guard Wages | 7,560.00 |
| Management | 3,000.00 |
| Deck Repairs | 2,116.89 |
| Paint | 4,400.00 |
| Pool Chemicals | 2,500.00 |
| Hydro | 2,400.00 |
| Bell Telephone | 400.00 |
| Septic Charges | 715.00 |
| Office Trailer Rental | 600.00 |
| Water Charges | 747.10 |
| **Total Expenses Payable** | **24,438.99** |

**SUMMARY:**

Lakeland Pool provides economical summer swimming for people of the community and surrounding areas as well as offering *free family passes* for families with disabilities. We have completed costly major repairs on the pool, basin and deck. Our ***"Ontario Works"*** is the most successful project in the region. The corporate and community support was overwhelming. With excellent press coverage from local media, the gifts in kind" totaled in the thousands. They cared and understood. Many Non-Profit groups use our facility. This summer marked the **"Pool's 40th Birthday"**. Unfortunately, we are in financial duress. Our objectives for fall and winter 2000 / 2001 will be to undertake numerous fund raising projects as well as an application to the ***Trillium Foundation*** for our operational costs for the *"2001 Season"*.

**REQUEST:**

We are requesting further assistance from the taxpayers of Hamilton. We originally requested $30,000.00 and received $20,000.00. We are hoping that the original amount could be provided to us which would mean that we receive $10,000.00 at this time.

Thank you for your time and consideration.

Yours sincerely,

Burke Austin

Burke Austin
General Manager L.F. P.A.

Bill No.C-056

The Corporation of the City of Hamilton

BY-LAW NO. 00 —

To Extend By-law No. 99-112

Respecting:

The exemption of land known as Lots 2, 3, 5 and 6 within
"Tiffany, Phase 3" Subdivision, Plan 62M-884
from Part Lot Control

**WHEREAS** subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

**AND WHEREAS** the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

**AND WHEREAS** the Council of the Corporation of the City of Hamilton enacted By-law No. 99-112 on August 11, 1999 to remove the lands described in section 1 thereof from part lot control, which expires on September 1, 2000,

**AND WHEREAS** a request has been made for an extension of the time period specified for the expiration of By-law No. 99-112, as it relates to Lots 2, 3, 5 and 6, Registered Plan 62M-884 only;

**AND WHEREAS** approval under Subsection (7.1) of the Planning Act is not required for an extension in accordance with Subsection (7.4) of the Planning Act;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2(c) of By-law No. 99-112 is hereby repealed and the following substituted therefor:

"(c) Other than Lots 2, 3, 5 and 6, Registered Plan 62M-884, this By-law shall no longer be of any force and effect. As it relates to Lots 2, 3, 5 and 6, Registered Plan 62M-884, this By-law expires on September 1, 2001."

2. Section 1. of By-law No. 99-112, is hereby repealed and the following substituted therefor:

"Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating rights of encroachment and maintenance easements only, as shown on Reference Plan 62R-15090, to the following lands:

Lots 2, 3, 5 and 6, within Registered Plan Number 62M-884, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 99-112 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 99-112.

**PASSED** this 30th day of August A.D. 2000.

ACTING MUNCIPAL CLERK MAYOR

Losani Homes, Owner
PLC-99-02

Bill No.C-057

The Corporation of the City of Hamilton

BY-LAW NO. 00 —

To Extend By-law No. 99-112

Respecting:

The exemption of land known as Lots 7, 8, 9, 10 and 12 within "Tiffany, Phase 3" Subdivision, Plan 62M-884 from Part Lot Control

**WHEREAS** subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

**AND WHEREAS** the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

**AND WHEREAS** the Council of the Corporation of the City of Hamilton enacted By-law No. 99-112 on August 11, 1999 to remove the lands described in section 1 thereof from part lot control, which expires on September 1, 2000,

**AND WHEREAS** a request has been made for an extension of the time period specified for the expiration of By-law No. 99-112, as it relates to Lots 7, 8, 9, 10 and 12, Registered Plan 62M-884 only;

**AND WHEREAS** approval under Subsection (7.1) of the Planning Act is not required for an extension in accordance with Subsection (7.4) of the Planning Act;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2(c) of By-law No. 99-112 is hereby repealed and the following substituted therefor:

"(c) Other than Lots 7, 8, 9, 10 and 12, Registered Plan 62M-884, this By-law shall no longer be of any force and effect. As it relates to Lots 7, 8, 9, 10 and 12, Registered Plan 62M-884, this By-law expires on September 1, 2001."

2. Section 1. of By-law No. 99-112, is hereby repealed and the following substituted therefor:

"Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating rights of encroachment and maintenance easements only, as shown on Reference Plan 62R-15090, to the following lands:

Lots 7, 8, 9, 10 and 12, within Registered Plan Number 62M-884, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 99-112 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 99-112.

**PASSED** this 30th day of August A.D. 2000.

ACTING MUNCIPAL CLERK MAYOR

Multi-Area Developments, Owner
PLC-99-02

Bill No.C-058

The Corporation of the City of Hamilton

BY-LAW NO. 00 —

To Extend By-law No. 99-113

Respecting:

Land within the "Bow Valley Estates" Subdivision, Plan 62M-875
from Part Lot Control

**WHEREAS** subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

**AND WHEREAS** the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

**AND WHEREAS** the Council of the Corporation of the City of Hamilton enacted By-law No. 99-113 on August 11, 1999 to remove the lands described in section 1 thereof from part lot control, which expires on September 1, 2000;

**AND WHEREAS** a request has been made for an extension of the time period specified for the expiration of By-law No. 99-113, as it relates to Lots 16, 17 and 27, Registered Plan 62M-875 only;

**AND WHEREAS** approval under Subsection (7.1) of the Planning Act is not required for an extension in accordance with Subsection (7.4) of the Planning Act;

**AND WHEREAS** it is expedient to repeal By-law No. 00-132 in its entirety and amend By-law No. 99-113 to extend the time period specified for the expiration of By-law No. 99-113 in accordance with Subsection (7.4) of the Planning Act;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That By-law No. 00-132 is hereby repealed in its entirety.

2. Subsection 2.(c) of By-law No. 99-113, is hereby repealed and the following substituted therefor:

> "(c) Other than Lots 16, 17 and 27, Registered Plan 62M-875 "Bow Valley Estates", this By-law shall no longer be of any force and effect. As it relates to Lots 16, 17 and 27, Registered Plan 62M-875, this By-law expires on September 1, 2001."

3. Section 1. of By-law No. 99-113 is hereby repealed and the following substituted therefor:

> "Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating rights of encroachment and maintenance easements only, as shown on Reference Plan 62R-15099, to the following lands:
>
> Lots 16, 17 and 27, Registered Plan 62M-875, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

4. In all other respects, By-law No. 99-113, is hereby confirmed, unchanged.

5. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 99-113.

**PASSED** this 30th day of August A.D. 2000.

ACTING MUNCIPAL CLERK

MAYOR

Vedemo Construction Ltd., Owner
PLC-99-08

Bill No. C-059

BY-LAW NO. 00 - 0

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30TH DAY OF AUGUST, 2000.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 30th day of AUGUST A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

URBAN MUNICIPAL

CA4 ON HBL A05
A31
2000

Hamilton Public Library
Urban/Municipal Collection
2nd Floor, 55 York Boulevard
Hamilton, Ontario L8K 3K1
1 BILL

# AGENDA

## CITY OF HAMILTON

## SPECIAL MEETING
## CITY COUNCIL

*(available online at www.city.hamilton.on.ca./hccnet)*

**Friday, September 15, 2000**
**9:00 o'clock a.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

URBAN MUNICIPAL

SEP 15 2000

GOVERNMENT DOCUMENTS

**Kevin C. Christenson,**
**Acting Municipal Clerk**

---

*Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.*

1. Call to Order

2. Motion to move into the Committee of the Whole to consider the following:

   2.1 Rennie Street Landfill Site (Copy to follow)

   2.2 Voluntary Retirement Program/Voluntary Exit Program

3. Motion to adopt the Report of the Committee of the Whole

4. Motion to adopt Bill

   D-038 Being a By-law to Confirm the proceedings of the Council of the Corporation of the City of Hamilton.

5. Adjournment

THE New! CITY OF HAMILTON

Transition Board Members:
- Marvin G. Ryder, MBA, Chair
- Ollie Thomson, Vice-Chair
- William McMillan (Mac) Carson
- Kathy Dinney
- Colin T. Millar
- Darlyne Mills
- Don Ross

2.2.

Sent via Fax

September 13, 2000

Mayor and Members of Council
City of Hamilton
71 Main Street West
Hamilton, ON L8N 4Y5

Dear Mayor Morrow and Members of Council:

***RE: Voluntary Retirement Program/Voluntary Exit Program***

The Transition Board at its meeting held Tuesday September 12, 2000 considered a confidential report (attached) from the City Manager, Mr. Doug Lychak, respecting a Voluntary Retirement Program/Voluntary Exit Program to be offered to all eligible employees in the constituent municipalities of the Regional Municipality of Hamilton-Wentworth.

I wish to advise that the Transition Board approved the programs and is forwarding the report to your Council for consideration and endorsement. The Transition Board believes the program is competitive and fair, and consistent with past practice.

In keeping with the request of the Regional Council that the Transition Board establish such programs as quickly as possible, the Board would respectfully request communication from your Council by September 20, 2000 to advise if your municipality does NOT wish to participate in the programs. If no communication is received to this effect, the Transition Board will consider your municipality to have approved the programs for its employees.

A communication plan for employees is being developed and information sessions will be held for employees in each municipality. Details of the program will be forthcoming.

Yours sincerely,

Marvin Ryder, Chair
Transition Board for the new City of Hamilton

c: Jim Bruzzese
Kevin Christenson
Terry Cooke, Regional Chairman
Doug Lychak, City Manager

50 Main Street East, 4th Floor, Hamilton, Ontario L8N 1E9
Tel. (905) 540-5415 • Fax: (905) 540-5417 • E-mail: transitionboard@new.city.hamilton.on.ca • Web site: www.new.city.hamilton.on.ca

# TRANSITION BOARD FOR THE NEW CITY OF HAMILTON

## - RECOMMENDATION -

## CONFIDENTIAL

**DATE:** 2000 August 25

**REPORT TO:** Chairman and Members
Transition Board for the New City of Hamilton

**FROM:** D. A. Lychak
City Manager
New City of Hamilton

**SUBJECT:** Voluntary Retirement Program/Voluntary Exit Program (TB0014)

**RECOMMENDATION:**

That a voluntary early retirement program and a voluntary early exit program herein, be offered to all eligible employees in the constituent municipalities of the Regional Municipality of Hamilton-Wentworth.

D. A. Lychak

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

tba

**BACKGROUND:**

The achievement of efficiencies in services and service delivery in the new City of Hamilton will require a redesigned and downsized workforce. Two programs are recommended for implementation to facilitate this process.

The voluntary early retirement program (VERP) and the Voluntary Exit Program (VEP) have been designed to be competitive and fair, consistent with past practices and easily understood by all employees. Eligibility for the programs (described below) recognizes that there are particular areas of the organization where it would be necessary to replace each employee who left. Employees who leave the organization under either program will not be eligible for rehire for a period of time equal to the length of the notice period and/or payment provided at departure.

A communication program will be in place and support provided to assist employees in the transition.

Eligible employees who have not opted for either the VERP or the VEP, and find themselves in a redundant position during the period January 1, 2001 to December 31, 2001 will receive working notice in lieu of severance pay, or will be laid off in accordance with their collective agreement.

**Voluntary Early Retirement Program**

During the amalgamation of the administrations of the City of Hamilton and the Region of Hamilton-Wentworth, an incentive was offered to most City/Region employees who were eligible for the OMERS early retirement program that expires on December 31, 2001. As no business case existed to support workforce reductions in this manner, the incentive was not offered in the Fire Service. The program was designed to assist in realizing a workforce reduction. Over 300 employees were offered the package, and 216 employees accepted. This resulted in net savings of $4.1 million.

The possibility of an early retirement incentive to support the creation of the New City of Hamilton has been presented to employees of all municipalities in the Region. It is estimated that, across the Region, 100 employees are eligible to retire under the OMERS 80 factor.

*Eligibility*

All union and non-union full and part-time employees, employees of the municipalities, that will merge to form the "New City of Hamilton", who are members of OMERS and have achieved the OMERS 80 factor by December 31, 2001 (combination of age (50) plus years of service), will be eligible to participate in the Voluntary Early Retirement Program except those who are members of the Hamilton-Wentworth Regional Police Services, firefighters, employees of HECFI, the Library Boards or Hamilton Hydro, members of the Transit Pension Plan, employees in the Social and Public Health Services Division, employees in the Land Ambulance Service, School Crossing Guards and employees of the New City of Hamilton.

*Incentive*

For those who elect to retire an incentive will be paid equal to 2 weeks pay for each year of continuous service to a maximum of 12 months pay and retiree benefits until age 65. Employees may shelter their incentive in a RRSP to the maximum allowable and take a lump sum or monthly payments. Employees eligible for early retirement and a guest have the option of attending pre-retirement sessions that will address both lifestyle and financial issues.

*Retirement Date*

The decision to retire under the Voluntary Early Retirement Program rests solely with the employee. The date of retirement will be at the discretion of management, taking into consideration the preferences of the retiree, and the needs of the organization. No retirement under this program will occur prior to December 31, 2000 or later than December 31, 2001.

**Voluntary Exit Program**

A voluntary exit program has not been previously offered in any of the constituent municipalities.

*Eligibility*

The Voluntary Exit Program is open to all full time union and non-union employees that will merge to form the "New City of Hamilton" with some exceptions: employees eligible for the Voluntary Early Retirement Program, members of the Hamilton-Wentworth Regional Police Services, firefighters, employees of HECFI, the Library Boards or Hamilton Hydro, members of the Transit Pension Plan, employees in the Social and Public Health Services Division, employees in the Land Ambulance Service, School Crossing Guards and employees of the New City of Hamilton.

Management retains the option of withdrawing the opportunity for a voluntary exit where, in the sole discretion of management, the loss of particular skills and knowledge will compromise immediate and future service delivery requirements. It is anticipated that this discretionary veto will be exercised in limited situations.

Employees who are accepted into the Voluntary Exit Program, who are considering taking Early Retirement under the OMERS window and are eligible for retiree benefits, must do so between the date of their application for the VEP and their date of departure. Their VEP incentive will be recalculated in accordance with the Voluntary Early Retirement Program. Those who have left the organization under the VEP, and subsequently choose to take an OMERS pension, waive their right to retiree benefits.

*Incentive*

Employees who are accepted into the VEP will be entitled to an incentive to be calculated as follows:

i) The employee's age and service, as of December 31, 2000 will be added to produce a point total,

ii) The point total produces an incentive according to the formula (below),

iii) No employee would receive less than 3 months pay or more than 15 months pay.

| | |
|---|---|
| 75 or greater | 4 weeks for each 5 point increment |
| 65 to 74 points | 3.75 weeks for each 5 point increment |
| 55 to 64 points | 3.50 weeks for each 5 point increment |
| 45 to 54 points | 3.25 weeks for each 5 point increment |
| 35 to 44 points | 3.00 weeks for each 5 point increment |
| Fewer than 35 points | 2.75 weeks for each 5 point increment |

**Example:**
Employee is 35 years of age with 10 years of service "Total points are 45".

(45 / 5) = 9 x 3.25 weeks = 29.25 weeks.

Payment can be in any form, (e.g. lump sum or monthly payments) subject to limitations imposed by Canada Customs and Revenue Agency rules. These payments will be deemed to include all payment required by statute and common law.

Benefits, excluding short term and long term disability, accidental death and dismemberment and optional life insurance, will be provided for the duration of the period calculated as the overall number of months for which the employee is entitled to the incentive payment. Access to the EAP program will be continue through the notice period.

An additional allowance equal to 10% of an employee's base salary or equivalent annual pay will be made available to assist with employment transition. The allowance may be used for a confidential outplacement service to assist with job searches and related needs or may be used for tuition reimbursement. In both cases the 10 % equivalent allowance is provided in the form of services and the cash will not be provided in lieu of these services.

*Exit Date*
If accepted into the Voluntary Exit Program, the date of exit will be at the discretion of management, taking into consideration the preferences of the exiting employee, and the needs of the organization. No exit under this program will occur prior to December 31, 2000 or later than December 31, 2001. Employees, who chose to resign prior to the date established for their exit, will not receive the incentive.

Timetable
Employees will be given an opportunity to elect to participate in the programs during a four-week period, subsequent to the issuance of program details. Employees who opt to participate will have their exit date established within three weeks of their acceptance. Discussions are underway with OMERS to expedite the provision of personal pension statements so that the four-week selection window can be maintained.

This proposed program was discussed with the Area CAO's on August 28, and a meeting will be scheduled with Union Representatives subsequent to the approval of this report. General information sessions will be held in each municipality and print and electronic information will also be distributed.

CA4 ON HBL A05
A31
2000

URBAN
MUNICIPAL

# AGENDA

## CITY OF HAMILTON
## CITY COUNCIL

*(available online at www.city.hamilton.on.ca./hccnet)*

**Tuesday, September 26, 2000**
**7:30 p.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

URBAN
MUNICIPAL
Hamilton Public Library

URBAN MUNICIPAL

SEP 2 3 2000

GOVERNMENT DOCUMENTS

**Kevin C. Christenson,**
**Acting Municipal Clerk**

***Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.***

**CALL TO ORDER**

**1. NATIONAL ANTHEM.**

**2. OPENING PRAYER:** Rev. W. Glenn Empey, Chaplain
Community & Business Development
Hamilton Health Sciences Corporation

**3. PRESENTATIONS**

**3.1** Ms. B. Austin & Mr. G. Kristiansen – Plaque presentation to the Mayor on behalf of Lakeland Family Pool Association

**3.2** Mrs. Pat Hanham - Brain Tumor Foundation of Canada

**3.3** Mr. Jack Mallon – Senior of the Year Award

**3.4** Box 43 Association - 50th Anniversary

**4. ADOPTION OF THE MINUTES OF THE COUNCIL MEETINGS HELD:**
**4.1 August 30, 2000 (special)**
**4.2 September 6, 2000 (special)**

**5. CORRESPONDENCE.**

6. REPORTS OF THE STANDING COMMITTEES:

   6.1 Transport and Environment Comm. – Report 13-00
   6.2 Planning and Development Committee – Report 14-00

7. NOTICE OF MOTION FOR NEXT MEETING.

8. MOTION TO APPOINT ALDERMAN HORWATH AS ACTING MAYOR FOR THE MONTH OF OCTOBER, 2000.

9. QUESTION PERIOD.

10. ADJOURNMENT.

# MINUTES

4.1

# MINUTES

## CITY OF HAMILTON
## COMMITTEE OF THE WHOLE/CITY COUNCIL

**Wednesday, August 30, 2000**
**12:15 p.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

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**Present**: Mayor R. M. Morrow;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Haining, G. Copps, C. Collins, F. Eisenberger, B. Charters, T. Jackson, B. Kelly, F. D'Amico, D. O'Sullivan

**Regrets:** Alderman B. Morelli - family commitment
Alderman D. Wilson - vacation
Alderman T. Anderson - civic business

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow for the consideration of all motions not reported upon by Standing Committees.

**CARRIED.**

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It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole with Mayor Morrow in the chair.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Copps, Eisenberger, Collins, Charters, Jackson, Keily, D'Amico, O'Sullivan. –14.

**NAYS:** -0.

**CARRIED.**

## RESOLUTIONS

**Re: Rule No. 9 - Inter-municipal Co-operation Agreement**

It was moved by Alderman Eisenberger and seconded by Alderman Kelly that Rule No. 9 of the City of Hamilton Procedural By-law be invoked for this meeting of City Council in order to allow for the consideration of a report respecting Inter-municipal Co-operation Agreement (CM00019). **CARRIED.**

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**Re: Inter-municipal Co-operation Agreement**

It was moved by Alderman Eisenberger and seconded by Alderman Kelly that the Region of Hamilton-Wentworth and the City of Hamilton enter into an agreement with the constituent municipalities of the new City of Hamilton, in accordance with the attached Terms of Reference for Inter-municipal Co-operation. **CARRIED.**

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***Items presented by Mayor Morrow for discussion:***

**Re: Downtown Properties, Building Inspections and Façade Programme: Inter-municipal Co-operation Agreement**

It was moved by Alderman Copps and seconded by Alderman Kelly that the Inter-municipal Co-operation Agreement be accessed in order to meet staffing requirements in the City\Region Building Department to undertake Building Inspections on downtown properties. **CARRIED.**

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**Re: By-law to Authorize Building Inspectors to act on behalf of the City/Region**

It was moved by Alderman Kelly and seconded by Alderman Copps that the appropriate by-laws be prepared for presentation to the September 5, 2000 Committee of the Whole\City Council to authorize area building inspectors to act on behalf of the City/Region. **CARRIED.**

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**Re: Correspondence - Transition Board - Taxi Licences**

The Committee received the above noted correspondence dated August 14, 2000.

**Re: Correspondence - Greater Vancouver Regional District - Federal Funding for Sustainable Urban Transportation**

The Committee received the above noted correspondence dated August 1, 2000.

**Re: Correspondence - Minister of Municipal Affairs and Housing - Hamilton Hydro restructuring revenue**

The Committee received the above noted correspondence dated August 3, 2000.

**Re: Correspondence - Lakeland Family Pool Association**

The Committee was in receipt of a letter dated August 18, 2000 from the Lakeland Family Pool Association requesting additional funding. The Committee referred this correspondence to staff for a report back.

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It was moved by Alderman Kelly and seconded by Alderman O'Sullivan that Council move in-camera to discuss the Rennie Street Landfill Site. **CARRIED.**

It was moved by Alderman Caplan and seconded by Alderman Horwath that Council reconvene in open session. **CARRIED.**

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole, be adopted.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsinii, Haining, Copps, Eisenberger, Collins, Charters, Jackson, Kelly, D'Amico, O'Sullivan –14.

**NAYS**: -0. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be signed, sealed and enrolled as By-laws:

C-056 Being a By-law to extend by-law No. 99-112, respecting the exemption of land known as Lots 2, 3, 5 and 6 within Tiffany, Phase 3 Subdivision, Plan 62M-884 from Part Lot Control. **CARRIED.**

C-057 Being a By-law to extend By-law No. 99-112 respecting the exemption of land known as Lots 7, 8, 9, 10 and 12 within Tiffany, Phase 3 Subdivision, Plan 62M-884 from Part Lot Control. **CARRIED.**

C-058 Being a By-law to extend By-law No. 99-113 respecting land within the Bow Valley Estates Subdivision, Plan 62M-875 from Part Lot Control. **CARRIED.**

C-059 Being a By-law to Confirm the proceedings of the Council of the Corporation of the City of Hamilton. **CARRIED.**

**Note: The meeting adjourned at 1:50 p.m.**

**Taken as read and approved,**

**Mayor R. M. Morrow**

**K. C. Christenson, Acting Municipal Clerk**
**August 30, 2000**

**KCC/dg**

4.2

# MINUTES

## CITY OF HAMILTON
## COMMITTEE OF THE WHOLE\CITY COUNCIL

**Wednesday, September 6, 2000**
**11:50 o'clock a.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

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**Present**: Mayor R. M. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini,
B. Morelli, D. Haining, G. Copps, D. Wilson, C. Collins,
F. Eisenberger, T. Jackson, B. Kelly, F. D'Amico, D. O'Sullivan

**Regrets:** Alderman B. Charters – Civic Business

Mayor R. M. Morrow called the meeting to order.

## ADOPTION OF MINUTES

The Minutes of the meeting held August 9, 2000 were adopted as circulated.

## CORRESPONDENCE

1. Application dated August 15, 2000 from SKMV Architects for a change in zoning from "C" (Urban Protected Residential, etc.) District (Block 1) to "G-1" (Designated Shopping Centre) District, Modified and modification to the "G-1" (Designated Shopping Centre) District (Block 2) for lands located at 1900 King Street East and 29, 31, 33 and 37 Rosedale Avenue, Hamilton, Ontario.

   **Received.**

2. Application dated August 17, 2000 from Ninco Construction Ltd., 60 Head Street, Dundas, Ontario for Removal of "H" – Holding Provision for property at 1770 Main Street West, Hamilton, Ontario.

   **Received.**

3. Application dated August 18, 2000 from Columbia International College, 1033 Main Street West, Hamilton, Ontario for a further modification to the "HH" (Restricted Community Shopping and Commercial) District for property at 1033 Main Street West, Hamilton, Ontario.

   **Received.**

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It was moved by Alderman Caplan and seconded by Alderman Horwath that the Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of matters not reported upon by the respective Standing Committees. **CARRIED.**

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It was moved by Alderman Caplan and seconded by Alderman Horwath that Council move into Committee of the Whole to permit consideration of Item A-1 to E-1 and the Report of the Licensing Committee be now considered in Committee of the Whole with Mayor Morrow in the chair.

**Recorded vote**.

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –16.

**NAYS:** -0. **CARRIED.**

## RECOMMENDATIONS

**Item B-2 Sale of Alcoholic Beverages - Turner Park – Looney Tunes – 6th Annual Slo-Pitch Tournament**

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Anderson, Kelly, D'Amico, O'Sullivan. –15.

**NAYS:** Alderman Jackson. –1. **CARRIED.**

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**Item B-3 Sale of Alcoholic Beverages – Mohawk Sports Park – Hamilton Hornets Rugby Club**

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Anderson, Kelly, D'Amico, O'Sullivan. –15.

**NAYS**: Alderman Jackson. –1. **CARRIED.**

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**Item B-5 Re: Bayfront Park Signage**

It was moved by Alderman Collins and seconded by Alderman Jackson

(a) That the concept entrance gateway and sign for Bayfront Park, consisting of an 11.6m high steel mast in the plaza on the southwest corner and a curbed concrete/steel park sign on the northwest corner, be approved and funded from the $132,000 allocation for the Bayfront Park Gateway component of the 2000 Capital Budget for the downtown linkages and waterfront;

(b) That a Public Meeting be scheduled for the purpose of receiving comments with respect to the proposed 46.0m high steel mast to be placed in the centre flower island on Harbourfront Drive, immediately west of Bay Street;

(c) That the Notice of Public Meeting, as referred to in Subsection (b), be advertised in The Spectator;

(d) That a report on the results of the public meeting be brought back to the Parks and Recreation Committee.

**Recorded vote**.

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –15.

**NAYS:** Alderman Wilson-1. **CARRIED.**

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**Item D-8 Re: Sheraton Hotel traffic configuration**

It was moved by Alderman Collins and seconded by Alderman Anderson that the following be added as Sub-section (e) to Section D-8 of the Finance and Administration Committee Section of the Committee of the Whole agenda for September 6, 2000 respecting "Sheraton Hamilton Hotel, 116 King Street West, Hamilton"

(e) That staff report back to the Transport and Environment Committee on works that can be undertaken in conjunction with the Sheraton Hotel to improve the traffic configuration in front of the Sheraton Hotel.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –15.

**NAYS**: Alderman Copps. –1. **CARRIED.**

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**Item D-11 (b) Lakeland Family Pool Association**

It was moved by Alderman Caplan and seconded by Mayor Morrow that sub-section D-11 (b) of the Finance and Administration Committee of the Committee of the Whole Report respecting Lakeland Pool be amended by adding the following after the amount of $15,000, "subject to the appropriate financial information being submitted" **LOST.**

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**Item D-11 (b) Lakeland Family Pool Association**

It was moved by Alderman Wilson and seconded by Alderman Jackson that sub-section D-11 (b) be deleted and the following be inserted:

"That the Lakeland Family Pool Association be requested to submit their audited financial records to City Staff for review as quickly as possible". **CARRIED.**

**Section D-11 as amended.**

**D-11 Request for Additional Financial Assistance Lakeland Family Pool Association (CSC000125)**

(a) That upon completion of the pool season on September 5, 2000, the Lakeland Family Pool Association (LFPA) make available to City staff for review its financial records for the Lakeland Pool's 2000 operating season; and,

(b) That the Lakeland Family Pool Association be requested to submit their audited financial reports to City Staff for review as quickly as possible.

(c) That the LFPA submit a three year business plan aimed at achieving zero City subsidy, for consideration prior to the commencement of the 2001 operating season; and,

(d) That the LFPA be required to return any future operating surpluses to the City, to the extent of the assistance provided.

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**Re: Rule No. 9 – Locke Street Merchants Association Street Festival – West Town Bar and Grill**

It was moved by Alderman Caplan and seconded by Alderman Collins that Rule No. 9 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Locke Street Merchants Association Street Festival. **CARRIED.**

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**Re: Application to Serve Alcohol by West Town Bar and Grill – Locke Street Merchants Association Street Festival – Saturday, September 9, 2000**

It was moved by Alderman Caplan and seconded by Alderman Collins:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by the West Town Bar and Grill, located at 214 Locke Street South, to serve alcohol on the road allowance of Locke Street South from 12:00 noon to 8:00 p.m. on Saturday, September 9, 2000, and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event. **CARRIED.**

## LICENSING COMMITTEE

## PRIVATE AND CONFIDENTIAL AGENDA

It was moved by Alderman Caplan and seconded by Alderman Horwath that Council move in-camera to discuss a matter of a private and confidential nature respecting a Licence Agreement. **CARRIED.**

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It was moved by Alderman Eisenberger and seconded by Alderman Collins that:

**E-1 Recreation Centre in the Riverdale Community Licence Agreement with Hamilton-Wentworth District Board of Education (CSC00125)**

(a) That the City of Hamilton enter into a Licence Agreement to allow immediate construction of a recreation centre in the Riverdale community, with the Hamilton-Wentworth District Board of Education ("Board"), under which the Board agrees for $1.00 to permit the City to build and operate for a thirty year period, subject to the conditions and terms summarized below, a recreation and senior centre in the Riverdale Community on 2.014 acres of Board land adjacent to Lake Avenue Elementary School. The Board's land is described as Parts 1 and 2 on Reference Plan No. RB-H-644 Surveys.

(b) That the following primary terms of the said Licence Agreement be approved:

(i) Term – 30 years, with an option to renew for ten (10) additional years;

(ii) City is permitted 45 days from the date of the Licence Agreement to undertake soil, groundwater and environmental tests to determine: (1) the suitability of the site for construction of the proposed recreation centre, and (2) the environmental conditions of the site. If, following the said test results, the City does not cancel the Licence within the said 45 day period, the City accepts the site on an "as is " basis, including all environmental liabilities of the site and the City agrees to indemnify the Board in respect of any environmental conditions which may have been caused before or after the City takes possession of the site;

(iii) City is permitted and required, at its expense, to construct, repair, maintain and operate the recreation centre, its walkway to the school and its parking lot;

(iv) City is required, at its expense, to construct a connecting vestibule to Lake Avenue Elementary School;

(v) City is required, at its expense, to make $150,000 (inclusive of all federal and provincial taxes, if any) of improvements to Lake Avenue Elementary School gymnasium including, but not limited to, installation of an air conditioning unit;

(vi) Board can terminate the Licence if City has not substantially completed the recreation centre by December 1, 2001 (unless completion is delayed beyond the control of the City due to strikes, unavailability of materials, vandalism and acts of God);

(vii) Where the Board gives the City notice of default, the City shall have three months to rectify such default; should the default not be rectified to the satisfaction of the Board, the Board may, on one year's notice to the City, terminate the Licence;

In the event the Licence is terminated by the Board or the thirty year period expires, City is required, at its expense, (estimated at approximately $100,000.00 and which money is in the budget), to demolish the recreation centre and the walkway, restore the site and return possession of the site to the Board;

(viii) City is not permitted to terminate the Licence or to assign the Licence to anyone during the thirty-year term (other than the said initial 45-day soil test period);

(ix) The new recreation centre and the Lake Avenue Elementary School shall be added to the Reciprocal Use of Facilities Agreement recently approved by the City and the Board;

(c) That the Hamilton-Wentworth District Board of Education, as owner of the site, be requested to execute the approved site plan agreement regulating the development of the recreation centre.

(d) That the Hamilton Wentworth District School Board be requested to declare the demised lands surplus to its needs and in due course enter into negotiations with the City to transfer the land as intended and approved, in principle, in 1992.

(e) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the General Manager, Community Services and Corporate Counsel. **CARRIED.**

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It was moved by Alderman Caplan and seconded by Alderman Horwath that staff report Items A-1 to E-1, the Report of the Licensing Committee, and resolutions be adopted.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico. O'Sullivan. –16.

**NAYS**: -0. **CARRIED.**

Note: The meeting adjourned at 12:55 p.m.

Taken as read and approved,

Mayor R. M. Morrow

K. C. Christenson, Acting Municipal Clerk
September 6, 2000

KCC/dg

# CORRESPONDENCE

Correspondence
City Council
September 26, 2000

1. Letter dated September 14, 2000 from Marvin Ryder, Chair, Transition Board for the new City of Hamilton respecting a draft Coat of Arms, Badge and Flag.

   **Recommendation: Be Referred to the Committee of the Whole.**

2. Application dated August 30, 2000 from Tarbutt Construction Ltd., for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified for Block "1" and a modification to the established "H" (Community Shopping and Commercial, etc.) District for Block "2" for the property at 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North, and 8 Harrison Avenue, Hamilton, Ontario.

   **Recommendation: Be Received**.

3. Application dated September 6, 2000 from D.M. Industries Inc. for a further modification to the established "KK" (Restricted Heavy Industrial) District to permit a Bingo Hall for property at 398 Kenora Avenue, Hamilton, Ontario.

   **Recommendation: Be Received.**

THE New! CITY OF HAMILTON

Transition Board Members:
- Marvin G. Ryder, MBA, Chair
- Ollie Thomson, Vice-Chair
- William McMillan (Mac) Carson
- Kathy Dinney
- Colin T. Millar
- Darlyne Mills
- Don Ross

September 14, 2000

Robert Morrow, Mayor
City of Hamilton
71 Main Street West
Hamilton, ON L8N 4Y5

Dear Mayor Morrow:

***RE: New City of Hamilton - DRAFT Coat of Arms, Badge and Flag***

The Transition Board at its meeting held Tuesday September 12, 2000 considered a report from the Heraldry Sub-committee, respecting the draft Coat of Arms, Badge and Flag.

I wish to advise that the Transition Board endorsed the draft and we are forwarding the report and copies of the drafts to your Council for comment and endorsement, by October 1, 2000. We sincerely apologize for the tight timeline, however it is necessary to ensure that the process is completed for January 1, 2001.

As noted on the draft "Coat of Arms", you will see that several suggestions have been made such as: the crown will be gold with blue mortar; the woman's (supporter) blouse will be green and the brim of her hat will be modified; the cuff and collar of the soldier's (supporter) uniform will be green; and the beaver's expression will be less fierce and the tail rounded.

Again, we appreciate your timely response.

Yours sincerely,

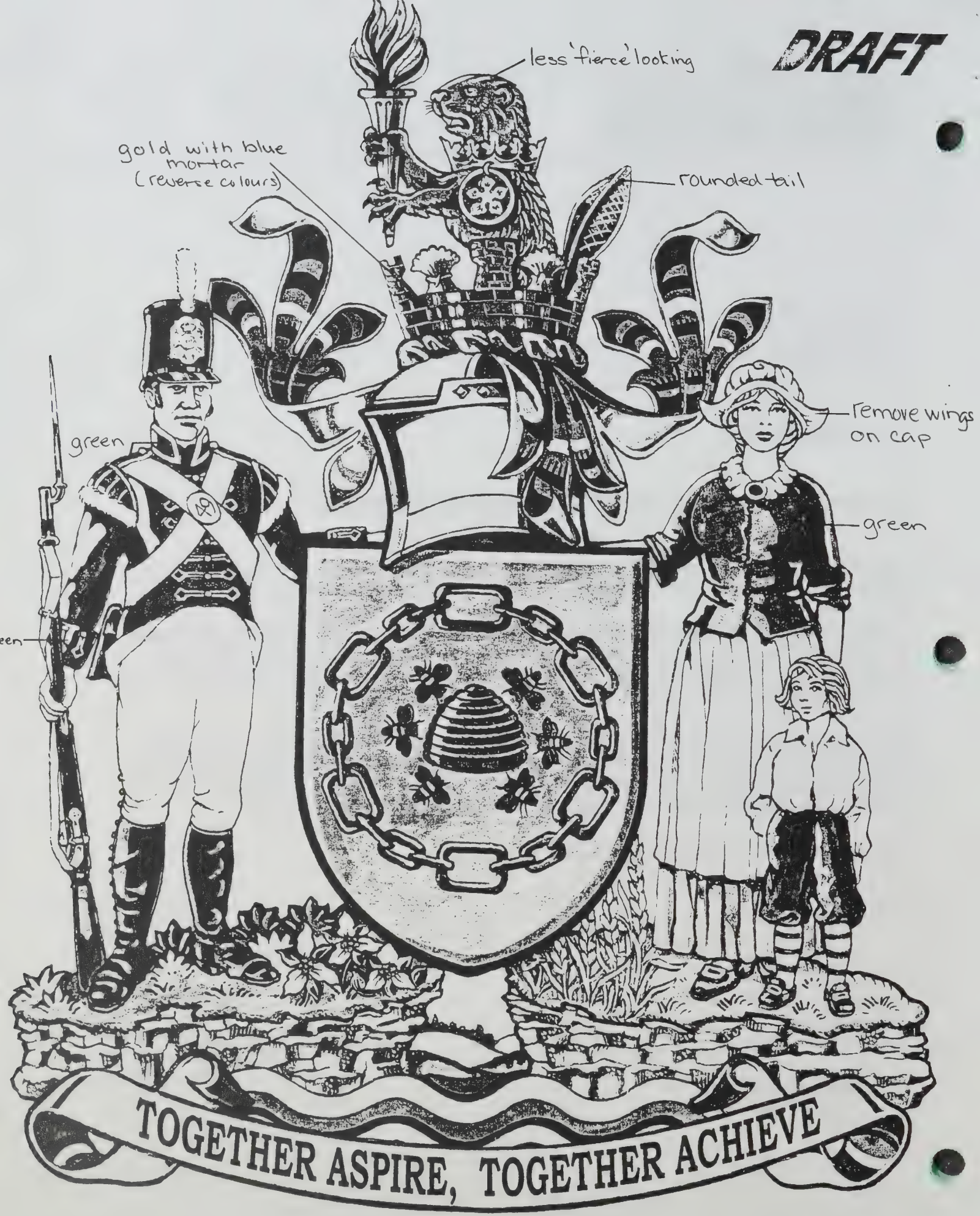
Marvin Ryder, Chair
Transition Board for the new City of Hamilton

c: Jim Bruzzese
Kevin Christenson

OFFICE OF THE MUNICIPAL CLERK
SEP 15 2000
REC. BY ..... DATE .....
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REF'D TO ..... DATE .....

50 Main Street East, 4th Floor, Hamilton, Ontario L8N 1E9
Tel: (905) 540-5415 • Fax: (905) 540-5417 • E-mail: transitionboard@new.city.hamilton.on.ca • Web site: www.new.city.hamilton.on.ca

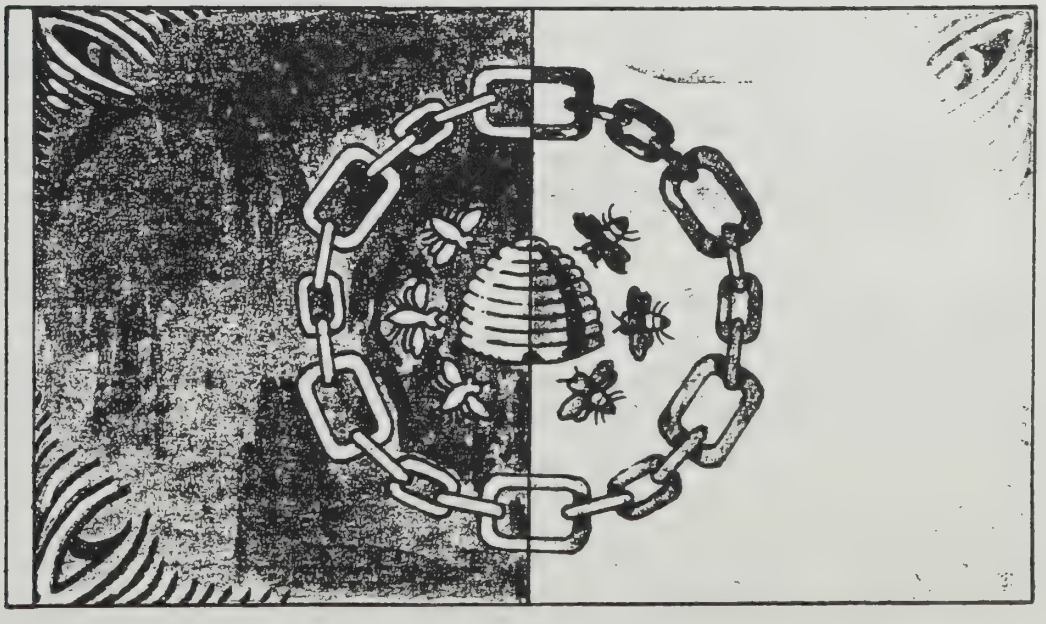
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COLOUR PHOTOCOPY FOR YOUR FILES

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COLOUR PHOTOCOPY FOR YOUR FILES

# Item 8.4

## TRANSITION BOARD FOR THE NEW CITY OF HAMILTON

### - RECOMMENDATION REPORT –

**Date:** September 8, 2000

**Report to:** Transition Board for the New City of Hamilton

**From:** Heraldry Sub-Committee

**Subject:** Draft Coat of Arms, Badge and Flag for New City of Hamilton

### RECOMMENDATION:

That the draft Coat of Arms, badge and flag for the new City of Hamilton be received by the Transition Board and forwarded to the Regional Council of Hamilton-Wentworth , the Councils of: the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton and City of Stoney Creek, for their comment and endorsement by October 1, 2000.

### BACKGROUND:

The Heraldry Sub-committee has met on three occasions, discussing and bringing to completion the attached draft Coat of Arms, badge and flag for the new City of Hamilton. The Sub-committee has received guidance from Dr. Keith Greaves, Vice President of the Heraldry Society of Canada.

As noted from the attached diagram, the Sub-committee made further changes to the artistic drawing, namely noting the following:

> *Coat of Arms* – crown will be gold with blue mortar; woman supporter's blouse will be green and the brim of her hat will be modified; the cuff and collar of the soldier supporter's uniform should be green; the beaver's expression will be less fearless and the tail more rounded

Police Chief Ken Robertson is a member of the Sub-committee had has advised that the Police Department has formed a separate committee to make recommendations on a Police badge. Chief Robertson has invited Dr. Keith Greaves to work with this committee to assist with heraldic issues. Similar initiatives will be discussed with the Fire/Ambulance departments.

## SIGNIFICANCE OF THE DESIGN

*Note: In planning the over-all design, There have been two main objectives:*

*(a) to emphasize in the central area what was felt to be the central theme of the arms -- the concept of "diversity within unity".*

*(b) to include in the remainder as many features of the geography, history, economy and "civic personality" of the new city as were possible without compromizing the artistic integrity of the whole.*

**The Beehive**

(1) The concept of a large number of individuals working together for a common purpose.

(2) The concept of *agriculture* as an important element of the local economy.

(3) The concept of *manufacturing* -- the original mainstay and *raison d'être* of the town of Dundas and a major feature now of the whole area.

(4) The beehive features prominently in the existing arms of four of the six joining municipalities.

**The Bees**

(5) The six bees represent the six municipalities coming together as a unit but still maintaining their individual identities and personalities. Since these are animate beings all facing the hive -- and thus in different directions -- the bees symbolize the concept of **diversity**. (Incidentally, the bees are not intended to be proportional to the size of the hive. Enhancement of this sort is standard heraldic practice).

**The Chain**

(6) The six large links of the chain also symbolize the component municipalities, but now joined with a common bond to form a single entity. The smaller links represent the bonding. A circle of chain is a standard heraldic symbol for **unity**. The chain surrounding the bees thus symbolizes the concept of **diversity within unity** -- what I think our new city is all about.

.(7) The chain also symbolizes the steel industry, the main employer for the whole region and a major part of the local ethos.

**The Helmet and Mantling** These elements are standard for all coats of arms and carry no specific symbolism.

**The Mural Coronet**

(8) This is the crown-like device that sits above the helmet. Some form of this coronet is used in most civic arms. This particular design, with its combination of turrets and garbs (wheatsheaves), indicates a municipality with both urban and rural components. The wheatsheaves are a further allusion to the importance of agriculture to the area.

**The Beaver**

(9) The beaver is symbolic of pride in our Canadian identity, coming together out of ethnic diversity. This is a proud, upstanding beaver, not about to give up his skin to anybody.

(10) The beaver is also symbolic of hard work and creativity, traits of which our region is justly proud.

(11) The beaver occurs as a charge in the granted arms of the present City of Hamilton and those of the Region.

**The Loyalist Civil Coronet** (Around the beaver's neck).

(12) This well-recognized symbol, granted to the United Empire Loyalist Association, alludes to the original settlement of the area, largely by Loyalists of Pennsylvania Dutch stock.

**The Cinquefoil** (The five-leaved flower on the beaver's shoulder).

(13) A cinquefoil on a red background is the badge of the Clan Hamilton, to which the Hamilton brothers belonged. It represents the name "Hamilton" in the new arms as in the old.

**The Torch**

(14) The torch is primarily included as the "torch of learning" to symbolize the region's status as a centre of education, with two degree-granting institutions, a world-class medical school, an important art-school in Dundas and a major community college. The torch in the beaver's hands suggests the handing on of education from generation to generation.

(15) The flame of the torch could also be seen as the fire driving the great industries of the city.

**The Supporters** These stand on either side of the shield and allude to the area's history.

(16) The supporter on the viewer's left ("dexter", since the shield is considered from the point of view of its *bearer*), symbolizes the battle of Stoney Creek, regarded by many historians as the turning point of the War of 1812. This involved the grenadier companies of the 8th and 49th Regiments of Foot (the latter is the one represented). Considerable research has gone into ensuring that the uniform and accoutrements of the figure are accurate in detail.

(17) The "sinister" supporter alludes to the vital role played by immigrant women in the settlement of the region as a whole and in its subsequent development and prosperity.

**The Compartment** This is the "ground" on which the supporters stand. It represents the two key geographical features of the region.

(18) The Niagara Escarpment, which provided the water-power that drove the mills of Dundas, Ancaster and Saltfleet Township and largely influenced the development of those communities.

(19) The Bay (represented by the blue and white barry-wavy device at the bottom of the compartment). As the head of navigation on Lake Ontario, the bay was critical to the early thriving of Dundas and remains the key to the Region's success as a major port.

(The actual details of the compartment artwork suggest the Dundas Valley within the enclosing walls of the Escarpment).

(20) The trillium on the dexter side and the wheatfield on the sinister suggest the many natural beauties of the area.

**The Motto** AMBITIOUS, INDUSTRIOUS, PROSPEROUS

**The Civic Badge** This is a simplified symbol that can be used either in colour (e.g. on municipal vehicles) or in black and white (e.g. on letterhead). For the latter purpose, it must be capable of being reduced to very small size while remaining recognizable. The proposed badge employs the simplest (but most symbolic) part of the over-all design – the hive, bees and chain motif of the shield. In its coloured version, this is displayed on a gold (or yellow) circle, which can have an optional rim of a darker colour when it is used on a light background. In its black-and-white version, the circle is omitted, since the chain itself forms an appropriate "frame" for the badge.

**The Police Services Badge** Since the local police service is often represented at international conferences, it is clearly desirable to identify it as Canadian. This can be accomplished by the grant of a specific police badge, consisting of the Civic Badge (above) superimposed on a red maple leaf. This would identify both the country and the city and would not require any alteration in the symbolism of the civic badge.

**The Civic Flag** *Heraldically, this is often based on the badge, since it also needs to be simple.* The proposed flag is in the shield colours of blue and gold divided by a vertical line, with the blue next to the staff, the gold in the fly. In the centre is the hive-bees-and-chain motif, but with the colours so organized that the part on the blue background is gold, that on the gold background blue. This is called "counterchanged" in heraldic terminology and looks quite striking. The chain framing the motif serves two additional functions:

(1) it resembles the chain of office worn by a mayor;

(2) it lends a "regal" touch to the flag, which would make it unique in Canada.

# TRANSPORT & ENVIRONMENT COMMITTEE

# REPORT

## CITY OF HAMILTON
## SPECIAL MEETING OF THE
## TRANSPORT AND ENVIRONMENT COMMITTEE

**Monday, September 11, 2000**
**9:30 a.m.**
**Room 233, Hamilton City Hall**
**71 Main Street West, Hamilton**

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| | |
|---|---|
| **Present:** | Alderman C. Collins (Chairperson), Alderman D. Wilson (Vice-Chairperson), Aldermen T. Anderson, M. Kiss, A. Horwath, B. Morelli, T. Jackson, |
| **Absent with regrets:** | Mayor R. M. Morrow<br>Alderman F. D'Amico |
| **Also Present:** | M. Hazell, R. Meiers, T. Gill, F. Westaway, C. Lee-Morrison, C. Biggs |

Alderman C. Collins, Chairperson, called the meeting to order.

**THE TRANSPORT AND ENVIRONMENT COMMITTEE PRESENTS REPORT 13-00 AND RESPECTULLY RECOMENDS:**

1. **Proposed Alteration of Strachan Street West between Bay Street North and approximately 85m Easterly (PWT00140)** (Item 2)

   That the appropriate by-law to alter the roadway of Strachan Street West between Bay Street North and approximately 85m easterly by realigning the roadway and widening the pavement from the existing width of 8.7m to a width which varies from 8.7m to 15.9m, be passed and enacted.

2. **Walcorp Inc. – Application for Approval of a Provisional Certificate of Approval for a Waste Disposal Site (Processing) at 675 Strathearne Avenue (PDC00136)** (Item 3)

   (a) That the West Central Branch of the Ontario Ministry of the Environment be advised that the City of Hamilton objects to the Application of Walcorp Inc. for Approval of a Provisional Certificate of Approval for a Waste Disposal Site (Processing) (Ministry File 3555-4JRRMB) at No. 675 Strathearne Avenue, as shown on the attached map marked as Appendix "A";

(b) That the West Central Branch of the Ontario Ministry of the Environment be advised of Council's decision;

(c) That the West Central Branch of the Ontario Ministry of the Environment be requested to forward a copy of its final decision respecting the Application of Walcorp Inc. for Approval of a Provisional Certificate of Approval for a Waste Disposal Site (Processing) at 675 Strathearne Avenue (Ministry File 3555-4JRRMB) to the Acting Municipal Clerk, City of Hamilton.

3. **Proposed Outdoor Boulevard Café – 164 James Street South, Hamilton (PWT00143)** (Item 4)

That the application of 1312754 Ontario Inc. to erect an outdoor boulevard café at 164 James Street South in Hamilton, on the Duke Street road allowance, be approved, subject to the following conditions:

(a) That the applicant enter into an Outdoor Boulevard Cafe agreement in a form satisfactory to the Acting Commissioner of Public Works and Traffic and the Corporate Counsel and Director of Real Estate;

(b) That the applicant pay a document registration fee of $50. and an annual fee of $236.25;

(c) That the applicant provide proof of $5,000,000 public liability insurance, naming the City of Hamilton and the Regional Municipality of Hamilton-Wentworth, and hold the City and Region harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;

(d) That the applicant occupies the licensed area of the boulevard from May 1 to October 31 only and that all furniture, equipment, etc. be removed from the road allowance at all other times;

(e) That the applicant maintain access for the physically challenged utilizing the Barrier Free Design Standards adopted by Council on 1994 October 25;

(f) That the Mayor and the Municipal Clerk be authorized and directed to execute the Outdoor Boulevard Cafe Agreement.

4. **Request for Permit Parking – Barlake Avenue, Hamilton** (New Business)

(a) That a "Permit Parking" regulation be implemented on the south side of Barlake Avenue, between Violet Drive and the westerly end, and that the City Traffic by-law 89-72 be amended accordingly;

(b) That the Acting Commissioner of Public Works be authorized to issue one parking permit per residence, to a maximum of five parking permits, on a first-come-first-served basis.

**5. Bill**

That the following Bill be adopted, signed, sealed and enrolled as By-laws:

(a) A-053 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic

**FOR THE INFORMATION OF COUNCIL:**

**(a) Declarations of Interest** (Item 1)

**Item 3** **Proposed Outdoor Bouelvard Café – 164 James Street South, Hamilton (PWT000143)** (Item 4)

Alderman A. Horwath declared an interest as her spouse is the operator of the restaurant referred to in the report.

**(b) Proposed alteration of Strachan Street West between Bay Street North and approximately 85m Easterly (PWT00140)** (Item 2)

In accordance with the provisions of the Municipal Act, the above proposed alteration was advertised in The Spectator for four consecutive weeks.

The Committee Chairman requested if there was any one present wishing to address the Committee on this matter.

Mrs. G. Simmons, an area resident, advised the Committee that traffic has increased considerably on Bay Street, from Burlington Street, and requested that consideration be given to some method of slowing the traffic down, such as placing small boulevards on Burlington Street, west of James Street North.

As a result, staff was directed to investigate the traffic concerns expressed by Mrs. Simmons, and bring a report back to the Committee.

(c) **Walcorp Inc. – Application for Approval of a Provisional Certificate of Approval for a Waste Disposal Site (Processing) at 675 Strathearne Avenue (PDS00136)** (Item 3)

Mr. John Walker, President of Walcorp Inc., addressed the Committee in support of his company's application. He advised that the Ministry of the Environment requested that the application be made due to the nature of the types of materials that his company was dealing with, and provided clarification to the Committee.

(d) **Proposed Outdoor Bouelvard Café – 164 James Street South, Hamilton (PWT00143)** (Item 4)

The Committee was advised that following circulation of the application to the area residents, one letter of objection has been received from G. J. Kolbec Inc., expressing opposition to the proposed outdoor boulevard café. This correspondence has been forwarded to the Committee Secretary to be retained in the Clerk's records.

**(e)** The following items were received:

(i) Cost of Allowing Free Parking in the Downtown Core for the Months of November and December, 2000 (PWT00133) (Item 5(a))

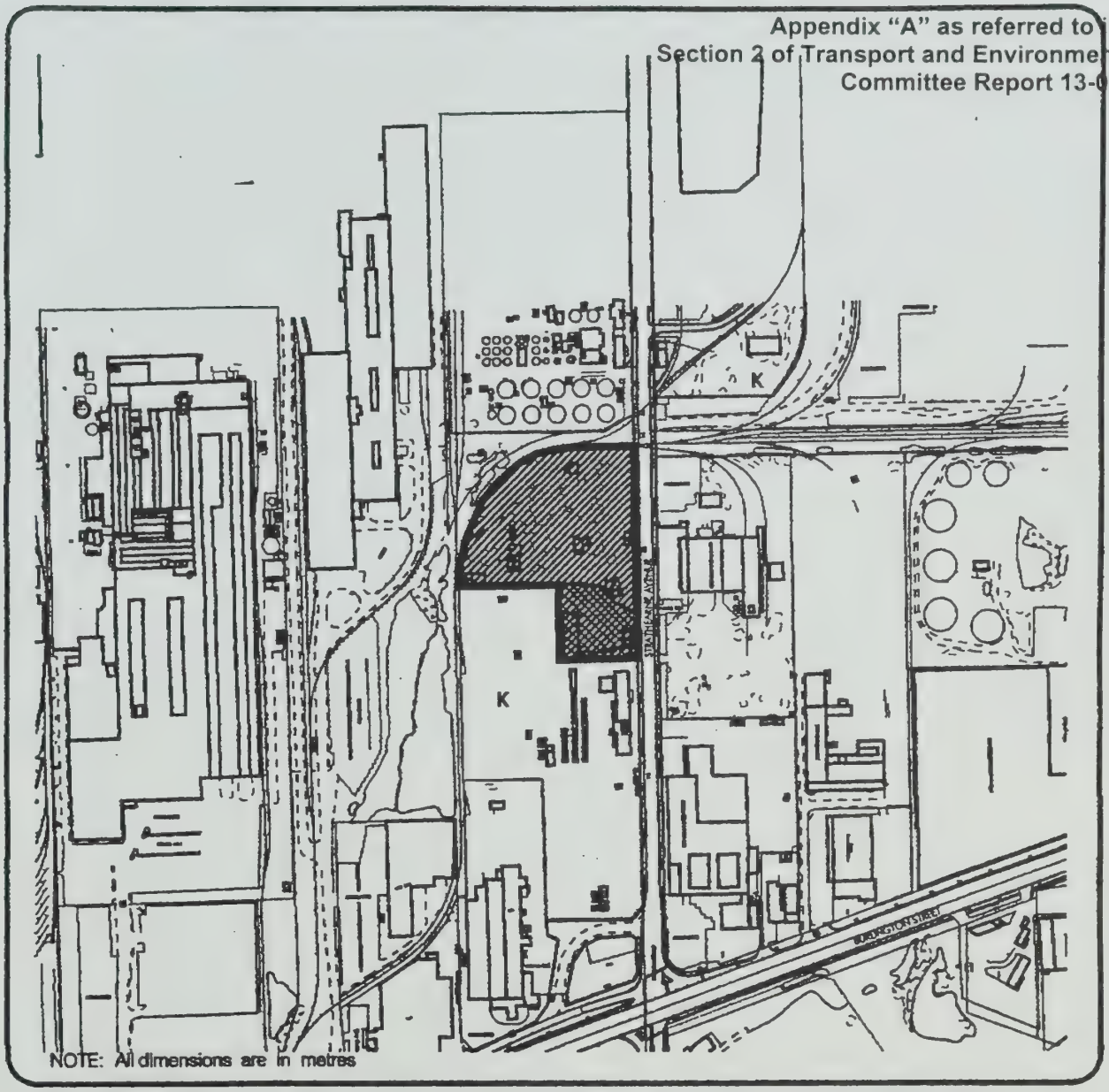
(ii) Memorandum from The Honourable Dan Newman, Minister of the Environment, announcing "Operation Clean Water" Action Plan (Item 5(b))

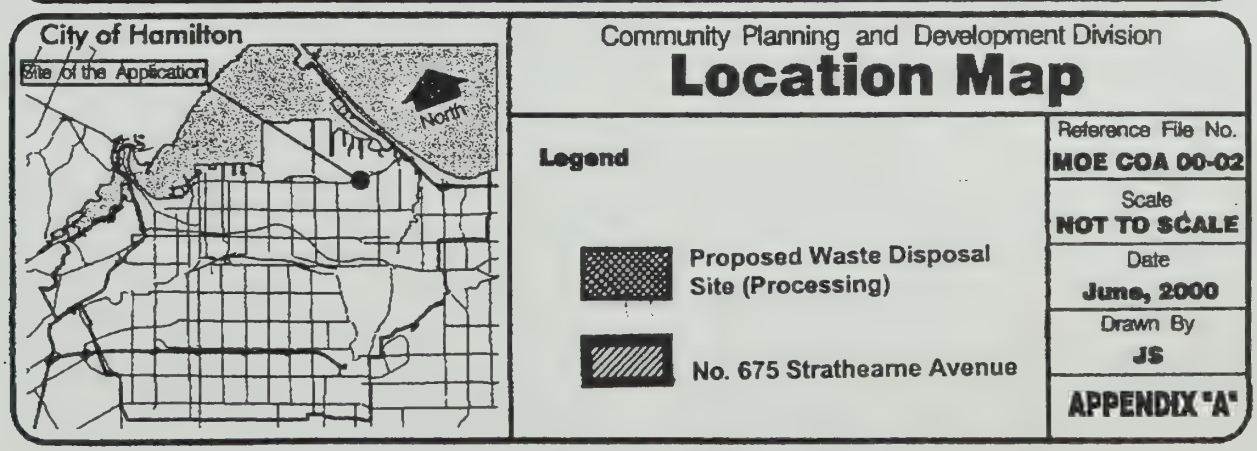
**Note:** The meeting of the Transport and Environment Committee adjourned at 9:50 a.m.

**Alderman C. Collins, Chairman**
**Transport and Environment Committee**

**Carolyn Biggs, Legislative Assistant**
**September 11, 2000**

Appendix "A" as referred to in Section 2 of Transport and Environment Committee Report 13-00




APPENDIX "A"

# PLANNING & DEVELOPMENT

# COMMITTEE

# REPORT

## CITY OF HAMILTON
## PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday September 20, 2000**
**9:30 a.m.**
**Room 233, Hamilton City Hall**
**71 Main Street West, Hamilton**

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**Present:** Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

**Also Present:** Aldermen Kiss, Alderman Horwath, Alderman Wilson, L. Coveyduck, P. Mallard, P. Mason, B. Janssen, G. Paparella, C. Floroff, N, Smith, E. Switinky, M. Mascarenhas, P. Lampman, P. Vanderbark, D. Hall , T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

**THE PLANNING AND DEVELOPMENT COMMITTEE PRESENTS REPORT 14-00 AND RESPECTFULLY RECOMMENDS:**

**1. ZAR-00-23 – Rear of 148 Rymal Rd. East (PDC00148)**

That approval be given to Zoning Application ZAR-00-23, 200 Rymal Road Inc., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District for property located at the rear of No. 148 Rymal Road East, to create two single-family dwelling lots fronting onto Jacqueline Boulevard, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Residential) District;

(b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**2. ZAR-00-24 – 158-166 Stone Church Rd. West (PDC00149)**

That approval be given to Zoning Application ZAR-00-24 – 158 and 166 Stone Church West, James Zaborsky and Bestco Construction Corporation, prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 158 and 166 Stone Church Road West, as shown on the attached map marked as Appendix "B", on the following basis:

(b) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**3. Official Plan Amendment and ZA-00-25 - Lands Located East of Lake Avenue North and South of Strawberry Drive (PDC00153)**

A. That approval be given to Official Plan Amendment No. 168, for lands located east of Lake Avenue North and south of Strawberry Drive to redesignate the subject lands from "Residential" to "Commercial" to permit the use of the subject lands for commercial development.

B. That the following new policy be added to Subsection A.2.9.3 – Other Special Policy Areas as Policy A.2.9.3.80:

"Notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 85, and located east of Lake Avenue North and south of Strawberry Drive, only parking uses in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek shall be permitted."

C. That approval be given to Amended Zoning Application ZAC-00-25, by Hi-Tech Banking Facilities Incorporated, owner, for changes in zoning from "AA" (Agricultural) District to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "1"); from "C" (Urban Protected Residential, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "2"); and, from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" – 'H' (Public Parking Lots - Holding) District (Block "3"), for lands located east of Lake Avenue North and south of Strawberry Drive, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "G-3" – 'H' (Public Parking Lots - Holding) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District; and,

(c) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" – 'H' (Public Parking Lots - Holding) District;

(d) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 13C(1), only a parking area in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek shall be permitted;

(ii) That no vehicular access to or egress from Lake Avenue North and Strawberry Drive shall be permitted;

(iii) That in addition to the requirements of Section 13C(4), a landscaped planting area having a total area of not less than 40% of the total lot area shall be provided and maintained; and,

(iv) That in addition to the requirements of Section 13C(4)(iii) of By-law No. 6593, a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and

maintained within the required planting strip adjacent to the northerly and westerly lot lines.

(v) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:

1. That notwithstanding Section 13C(4)(i) of By-law No. 6593, an area landscaped with a planting strip of not less than 3.0 m in width shall be provided and maintained along the northerly and westerly lot lines.

(vi) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:

1. That notwithstanding Section 13C(4)(i) of By-law No. 6593, an area landscaped with a planting strip of not less than 6.0 m in width shall be provided and maintained along the northerly lot line;

2. That notwithstanding Section 13C(4)(ii) of By-law No. 6593, an area landscaped with a planting strip of not less than 3.0 m in width shall be provided and maintained along the easterly lot line.

(vii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1", "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:

1. the owner has applied for and received final approval for a site plan control application for the use of the subject lands as a public parking lot.

City Council may remove the 'H' symbol, and thereby give effect to the "G-3" (Public Parking Lots) District, as amended by the special requirements of Section C(iv), C(v) and C(vi), as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled;

(viii) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-125 for presentation to City Council;

(ix) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1451, and that the subject lands on Zoning District Map E-125 be notated as S-1451; and,

(x) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No.168 by the Region of Hamilton-Wentworth.

**4. Official Plan Amendment and City initiative 98-C, for Windermere Basin (PDC00147)**

A. (a) That approval be given to Official Plan Amendment No. 167 to redesignate Windermere Basin from "Special Policy Area: Windermere Basin" to "Open Space", "Industrial", "Shipping and Navigation Uses" and "Open Water" on Schedule 'A' - Land Use Concept of the Official Plan, and delete Policy A.2.9.3.2 and replace it with a new policy. The General Manager, Community Planning and Development Division be authorized and directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth;

(b) That By-laws No. 98-313 and 99-268 applicable to the subject lands be repealed in their entirety; and,

B. That approval be given to City Initiative CI-98-C to rezone Windermere Basin from "L-s" (Planned Development - Special Study) District to: "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District, modified (Blocks "1", "2", "3" and "8") to permit development for open space and recreational uses; "F-4" – 'H' (Special Waterfront Services - Holding) District, modified (Block "4") to permit expansion of existing industrial uses to the west; "F-2" (Open Water) District (Block "5") to recognize the existing open water area, and "K" – 'H' (Heavy Industry, etc. - Holding) District, modified (Block "6" and "9") to permit expansion of existing heavy industry; and a further modification to the "F-4" (Special Waterfront Services) District regulations (Block "7"), all for the lands and water area located west of Eastport Drive, south of Pier 25, known as Windermere Basin, as shown on

the attached map marked as Apendix "D", on the following basis:

(a) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1", "2","3", "4" ,"6", "8" and "9", by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until such time as:

(i) the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;

(ii) the owner submits an Environmental Impact Statement to the satisfaction of the General Manager, Community Planning and Development Division to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,

(iii) the owner prepares and submits a stormwater management plan to the satisfaction of the General Manager, Community Planning and Development Division and the Hamilton Region Conservation Authority;

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending by-law once the conditions are fulfilled;

(b) That Blocks "1", "2", "3" and "8" be rezoned from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District;

(c) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3" be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 7(1), the following uses shall also be permitted: visitor centre, museum, trail centre, and information centre.

(d) That the "A" (Conservation, Open Space, Park and Recreation)

District regulations, as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "8", be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 7(1), the following use shall also be permitted: an access road.

(e) That Block "4" be rezoned from "L-s" (Planned Development - Special Study) District to "F-4" – 'H' (Special Waterfront Services - Holding) District;

(f) That the "F-4" (Special Waterfront Services) District regulations as contained in Section 12D of Zoning By-law No. 6593, applicable to the lands comprised of Block "4", and as modified by Ontario Municipal Board Order dated February 20, 1998, applicable to Block "7", are amended to the extent only of the following requirements:

(i) That notwithstanding Section 12D(1), only the following uses shall be permitted:

| Identification Number | | Permitted Use |
|---|---|---|
| 1. | 4542 | Ferry Industry |
| 2. | 4543 | Marine Towing Industry; |
| 3. | 4544 | Ship Chartering Industry; |
| 4 | 4549 | Other Water Transport Industries; |
| 5. | 4551 | Marine Cargo Handling Industries; |
| 6. | 4552 | Harbour and Port Operation Industry; |
| 7. | 4553 | Marine Salvage Industry; |
| 8. | 4554 | Piloting Service, Water Transport Industry; |
| 9. | 4555 | Marine Shipping Agencies Industry; |
| 10. | 4552 | Other Service Industries Incidental to Water Transport; |
| 11. | 3271 | Shipbuilding and Repair Industry; |
| 12. | 3281 | Boatbuilding and Repair Industry; |
| 13. | 9841 | Labour Organizations; |
| 14. | 4561 | General Freight Trucking Industry; |
| 15. | 4565 | Forest Products Trucking Industry; |
| 16. | 4569 | Other Truck Transport Industry; |
| 17. | 4562 | Used Goods Moving and Storage Industry; |
| 18. | 4592 | Freight Forwarding Industry; |
| 19. | 459 | Other Service Industries Incidental to |

| | | |
|---|---|---|
| | | Transportation, n.e.c.; |
| 20. | 4791 | Refrigerated Warehousing Industry; |
| 21. | 4799 | Other Storage and Warehousing Industries, nec; |
| 22. | 5999 | Other Products n.e.c., Wholesale limited to Chandlers; |
| 23. | 7794 | Customs Broker; |
| 24. | 9211, 9212 | Restaurants (licensed and unlicensed); |
| 25. | 9213 | Take-out Food Services; |
| 26. | 9214 | Caterers; |
| 27. | 9221 | Taverns, Bars and Night Clubs; |
| 28. | 3521 | Hydraulic Cement Industry; |
| 29. | 3551 | Redi-Mix Concrete Industry; |
| 30. | 5999 | Chandler engaged in supply or outfitting of boats; |
| 31. | 7021,7031,705 | Bank, trust company or credit union; |
| 32. | 8521 | Marine related commercial school; |
| 33. | 9919, 654 | Sale and rental of recreational equipment including the charter or rental of boats, canoes or bicycles, but not motorcycles and snowmobiles; |
| 34. | Not Classified | Accessory business office; |
| 35. | 868 | Laboratory; |
| 36. | 9654 | Boat Rental and Marina; |
| 37. | 9961 | Ticket and Travel Agencies; |
| 38. | 9962 | Tour Wholesaler and Operators; |
| 39. | Not Classified | Shipping, Transshipping and Distribution Depot; |
| 40. | 635 | Motor Vehicle and Equipment Repair Shop except paint and autobody repair; |
| 41. | 8641 | Day Nursery; |
| 42 | 868 | Research Establishment/Laboratory; |
| 43. | 481 | Telecommunications Broadcasting Industry; |
| 44. | Not classified | Heliports and Seaplane Operations; |
| 45. | 484 | Postal and Courier Service Industry; |
| 46. | 171 | Leather and allied products industries, except leather tanneries; |
| 47. | 24 | Clothing Industry; |
| 48. | 279 | Paper Box, Bag and other converted paper products industry; |
| 49. | 28 | Printing, publishing and allied industry; |
| 50. | 3029 | Fabricated metal products industry; |

| | | |
|---|---|---|
| 51. | 339 | Electrical products industry; |
| 52. | 391 | Scientific and professional equipment industry; |
| 53. | 392 | Jewellery and precious metal industry; |
| 54. | 393 | Sporting goods and toy industry; |
| 55. | 397 | Sign and Display Industry; |
| 56. | Not classified | Light manufacturing assembly industry; |
| 57. | 42 | Trade contracting industry; |
| 58. | Not classified | Truck, machinery and equipment sales, rental and repair; |
| 59. | 199 | Textiles and textiles products industries; |
| 60. | 103 | Fruit and vegetable industry other than processing; |
| 61. | 104 | Dairy products industry other than processing; |
| 62. | 107 | Bakery products industry; |
| 63. | 2549 | Millwork industry; |
| 64. | 2541 | Wooden buildings industry; |
| 65. | 25 | Wood products factory; |
| 66. | 26 | Furniture industry; |
| 67. | 31 | Machinery industry; |
| 68. | 32 | Transportation equipment industry; |
| 69. | 33 | Electronic products industry; |
| 70. | 351 | Clay products industry; |
| 71. | 354 | Concrete products industry; |
| 72. | 3562 | Glass products industry; |
| 73. | Not Classified | Small metal wares factory; |
| 74. | 60,51,77 | Retail stores, or showrooms or sample rooms, for the sale of jewellery, crafts, gifts and souvenirs, clothing, flowers, photographic equipment, teas, coffees, spices and specialty foods, imported goods bazaar, fish or antiques; |
| 75. | 9692 | Amusement parks; |
| 76. | 654 | Establishments for the sale of bait; |
| 77. | 77,81,82,83,84,86,85,91,92,96,97,98,99 | Service industries; |
| 78. | | Accessory Uses:<br>(a) Accessory buildings, structures or uses;<br>(b) Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on |

which the sign is situate.

(ii) That Section 12D(2) be amended to delete the words "Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE", and replace with "All the foregoing uses", so the entire introduction reads as follows:

"All the foregoing uses that are not for the bona fide purposes of shipping and navigation, shall comply with the following:"

(g) That Block "5" be rezoned from "L-s" (Planned Development - Special Study) District to "F-2" (Open Water) District;

(h) That Blocks "6" and "9" be rezoned from L-s" (Planned Development - Special Study) District "to "K" – 'H' (Heavy Industry, etc - Holding) District;

(i) That the "K" (Heavy Industry, etc.) District regulations, as contained in Section 17 of Zoning By-law No. 6593, applicable to Blocks "6" and "9", be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 17(1), a tallow rendering plant will not be permitted.

(j) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1450, and that the subject lands on Zoning District Maps E-70, E-80, E-80a, E-80b and E-80c be notated S-1450;

(k) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-70, E-80, E-80a, E-80b and E-80c for presentation to City Council; and,

C. That the proposed changes and modification in zoning will be in conformity with the Official Plan for the City of Hamilton upon approval of Official Plan Amendment No. 167 by the Regional Municipality of Hamilton-Wentworth.

**5. ZAC-00-01 and ZAR-98-33 – 330 and 342 Dundurn St. South (PDC00154)**

That approval be given to Zoning Application 00-01, 1242324 Ontario Inc. Dominic Occhionorelli, owner, for a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a Seniors Residential Care Facility to accommodate ninety (90) senior citizens within the existing building, for the property located at 330 and 342 Dundurn Street South, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, as amended by By-law 98-280, be modified as follows:

(i) That Section 1.(a) of Zoning By-law 98-280 be repealed in its entirety and replaced with the following:

"1.(a) notwithstanding Section 14. (1)(iiib) of Zoning By-law No. 6593, the following use shall be permitted:

(i) a senior citizens "Residential Care Facility" for the accommodation of a maximum of ninety (90) persons within three floors of the building;

(ii) for the purposes of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board, or treatment and rehabilitation from drug and alcohol abuse, and;

(iii) that Section 14. (7) of zoning By-law No. 6593, shall not apply to the subject lands;"

(b) That Section 2.(a) of Zoning By-law 98-280 be amended by deleting the words "lodging house" and replacing it with "Senior Citizens Residential Care Facility";

(c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1415a, and that the subject lands on Zoning District Map W-24 be notated S-1415a.

(d) That Corporate Council be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 98-280, and Zoning District Map W-24, for presentation to City Council.

(e) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(f) That the subject lands be redesignated on the approved Kirkendall North Neighbourhood Plan from "Medium Density Apartments" to "Civic and Institutional" upon finalization of the implementing By-law.

**6. Downtown Hamilton Community Improvement Plan/Expanded Area of Downtown Community Improvement Plan area (PD00138A)**

(a) That the expanded area for the Downtown Hamilton Community Improvement Project Area be designated as attached hereto and marked as Appendix "F";

(b) That Corporate Counsel be authorized and directed to prepare the requisite By-law for (a) above;

(c) That the Downtown Hamilton Community Improvement Plan for the expanded area of the Downtown Hamilton Community Improvement Project Area, as attached hereto and marked as Appendix "G", be adopted in order to implement various incentive/loan programs to property owners;

(d) That the Downtown Hamilton Community Improvement Plan for the expanded area of the Downtown Hamilton Community Improvement Project Area be submitted to the Ministry of Municipal Affairs and Housing for approval; and,

(e) That Corporate Counsel be authorized and directed to prepare the requisite By-law for (c) above.

**7. Cash-in-Lieu of Parking Application- CPL-00-02, 151 Emerson (PDC00150)**

That the amended application by Theresia Lulgjuraj for the building at 151 Emerson Avenue, as shown on the attached map marked as Appendix "H", for the payment of Cash-in-lieu for six (6) parking spaces be denied for the following reasons:

(a) The Parking Services Section of the Public Works & Traffic Department has no plans to establish municipal parking in the immediate vicinity of the proposal.

(b) The demand for commercial parking will result in spill-over parking into the adjacent residential area.

(c) Planning and traffic objectives are not satisfied.

**8. ZA-00-11, Request for the Removal of the Holding Zone for Lands Located at 1088-1188 Upper Paradise Road– (PDC00155)**

(a) That approval be given to Zoning Application ZAR-00-11, Visplar Holdings Ltd., owner, for the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for 7 lots for single detached dwellings for lands located south of Richview Drive and west of Upper Paradise Road and known municipally as 1088 – 1188 Upper Paradise Road, as shown on the attached map marked as Appendix "I"; and,

(b) That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 98-210, and Zoning District Map W-3 for presentation to City Council.

**9. Application for Demolition- 28-32 James Street South**

That the Acting Building Commissioner be requested not to issue a demolition permit for 28-32 James Street South for a two week period in order that the Planning and Development Committee investigate alternative options to demolition.

**10. Bills:**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-061 A By-law to Amend Zoning By-law No. 6593 as Amended By Zoning By-law No. 98-210 respecting lands located at Municipal Nos. 1088-1188 Upper Paradise Road.

(b) C-062 A By-law to Amend Zoning By-law No. 6593 respecting lands located to the rear of Municipal No. 1472 Upper Gage Avenue.

(c) C-063 A By-law to Amend Zoning By-law No. 6593 respecting lands located to the rear of Municipal No. 148 Rymal Road East.

(d) C-064 A By-law to Adopt Official Plan Amendment No. 167 Respecting Lands and Water Located West of Eastport Drive and South of Pier 25 (Windermere Basin).

(e) C-065 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of Eastport Drive, South of Pier 25 Known as Windermere Basin.

(f) C-066 A By-law to Extend By-law No. 99-160 Respecting Land Within the "Wellington Estates, Phase 1" Subdivision, Plan 62M-885 and "Allison Estates, Phase 4" Subdivision, Plan 62M-823 from Part Lot Control.

(g) C-067 A By-law to Extend By-law No. 98-226, as amended by By-law No. 99-130 Respecting Land Within the "Wisemount Estates, Phase 9" Subdivision, Plan 62M-836 from Part Lot Control.

**FOR THE INFORMATION OF CITY COUNCIL:**

(a) **Declarations of Interest** (Item 1)

None declared.

(b) **Adoption of Minutes – August 9, 2000** (Item 3.1)

The Minutes of the meeting held August 9, 2000 were adopted.

(c) **ZAR-00-23 – Rear of 148 Rymal Rd. East (PDC00148)** (Item 2.1)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Angelo Cameracci was present in support of the recommendation on behalf of the applicant.

Paul Mallard gave a brief overview of the staff report. Of 83 notices circulated, 4 replied in favour and 0 opposed.

(d) **ZAR-00-24 – 158-166 Stone Church Rd. West (PDC00149)** (item 2.2)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Al Fletcher of A.J. Clarke and Associates was present in support of the recommendation on behalf of the applicant.

Paul Mallard gave a brief overview of the staff report. Of 69 notices circulated, 4 replied in favour and 1 opposed.

(e) **Official Plan Amendment and ZA-00-25 - Lands Located East of Lake Avenue North and South of Strawberry Drive (PDC00153)** (Item 2.3)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Al Fletcher of A.J. Clarke and Associates was present in support of the recommendation on behalf of the applicant.

Paul Mallard gave a brief overview of the staff report. Of 62 notices circulated, 3 replied in favour and 1 opposed.

(d) **Official Plan Amendment and City initiative 98-C, for Windermere Basin (PDC00147)** (Item 2.4)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Caroline Floroff gave a brief overview of the staff recommendation citing that there requires further clarification on Block "9" to ensure that it meets the appropriate intent of the agreement between the City of Hamilton and the Hamilton Harbour Commissioners and to ensure that the boundaries

are correct. The public meeting was advertised in the Spectator and one response was received from the Hamilton Harbour Commissioners regarding clarification of location and use of Blocks 8 and 9.

Alderman Charters felt that the recommendation be forwarded as is, and that the by-law be redrafted accordingly when the new information is received.

In response to a question from Alderman Copps, Caroline Floroff noted the City is waiting fo a decision from the Ontario Municipal Board decision to determine if the City's draft By-law regarding rendering plants in the "K" and "KK" districts will be approved.

An amendment was placed on the floor and carried as follows:

"That reference to rendering plans in the "K" zones as it applies to Blocks "6" and "9" of the draft by-law for Windermere Basin be deleted".

The Main motion was subsequently carried as amended.

Subsequently the Committee directed as follows:

"(a) That staff be directed to follow-up on the original terms of the agreement between the City of Hamilton and the Hamilton Harbour Commissioners regarding deleting animal rendering plants as a permitted use on all lands owned by the Hamilton Harbour Commissioners zoned "k" and "KK"; and,

(b) That staff review the ownership of the entire lands including Block "9".

(e) **ZAC-00-01 and ZAR-98-33 – 330 and 342 Dundurn St. South (PDC00154)** (Item 2.5)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Joe Merca of 13 Russet Court, stoney Creek and Dominic Occhionorelli of 336 Shaver Road, Ancaster, proponents were present in support of the recommendation.

Paul Mallard gave a brief overview of the staff report. Of 92 notices circulated, 3 replied in favour and 0 opposed.

In response to a question from Alderman Copps Paul Mallard advised that parking provided will exceed the requirements.

In response to a question from to a question from Alderman Kiss, P. Lampman explained that an application to the Building Code Commission was made in order to permit the building for use as a residential care facility, even though the building is made of combustible materials whereas not combustible is required. The applicants have since withdrawn their request since they have reduced the level of care at the facility.

* Alderman Copps opposed to the main motion.

(f) **Downtown Hamilton Community Improvement Plan/Expanded Area of Downtown Community Improvement Plan area (PD00138A)** (Item 2.6)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Bill Janssen gave a brief overview of the staff report. He explained that approval will be subject to the Province.

Mary Pocius of the International Villages wa present in support of the expansion especially as it relates to linkages with the waterfront.

S. Manchia of Planning and Engineering Initiatives was present to request that buildings outside the boundaries be considered on a site-specific basis.

Alderman Corsini declared an interest by virtue of his ownership of property within the area.

Alderman Eisenberger requested and the Committee concurred that staff investigate further expanding the area from the escarpment to the waterfront.

In response to a question Lee Ann Coveyduck advised that they are anticipating more applications within this area in the near future.

Alderman Caplan suggested that the area be further expanded for a one-year period.

Alderman Charters suggested that it would not be appropriate to further expand beyond the boundaries as set before them.

(g) **Request for a Neighbourhood Plan Amendment – Changes to the Proposed Road Pattern in the North-East Quadrant of the Gourley Neighbourhood Plan (P5-2-53) (PDC00156) (recirculated for October 4 meeting)** (Item 2.7)

A s a result of an error in the circularization, the Committee tabled this matter to come before it again at its meeting of October 4, 2000.

(h) **Cash-in-Lieu of Parking Application- CPL-00-02, 151 Emerson (PDC00150)** (Item 4.1)

The Committee resolved that the request of the proponents to speak before the matter be approved.

A submission was received from Jean Harmes of 171 Emerson Street.

Mr. Pinelli, solicitor, and Mike Lulgjuraj, owner were present to speak on the matter.

Mr. Pinelli advised that the establishment is a neighbourhood restaurant of which 95% of the clientele are McMaster students who walk to the establishment. They have requested 24 additional seats and require 6 additional parking spaces as a result. Mr. Pinelli suggested that Committee review the Committee of Adjustment decision of 1993 and also stated that precedents have been set regarding cash in lieu for the Second cup and the West Town Bar and Grill.

Barb Bloemhof of 119 Emerson Street was present in support of the staff recommendation to deny based on noise parking, traffic and disruptions caused by the establishment. She stated that the Ontario Municipal Board has made a sound decision regarding this establishment and that further seating should not be permitted.

Phyllis Tessider of 114 Arnold Street and Chairperson of the Ainsliewood residents association was present in support of the denial. She stated that a multiple Neighbourhood plan review is being conducted in the West End which will be proactive as opposed to reactive. She felt that the indulgence of a business should not be placed before the neighbourhood.

Alderman Caplan stated that Emerson Street is a residential enclave and is not similar to other business which have been granted cash in lieu of parking.

(i) **Information Item** (Item 4.3)

That the following Information Item as previously distributed to Members of the Planning and Development Committee be received:

(i) Corporate Counsel re: Wesley Centre- 195 Ferguson Avenue North (PD99088G) dated September 14, 2000.

(j) **Waiving of Fees for derelict Buildings (referral from Council)**(Item 5.1)

Lee Ann Coveyduck advised that this issue will be incorporated in the nieghbourhood plans.

Alderman Haining was concerned that we are lacking initiatives regarding this issue.

A discussion ensued regarding Brownfield dev elopment and Alderman Charters and Alderman Horwath advised that progress is being made and there will soon be initiatives.

Lee Ann Coveyduck added that Hamilton has requested to be a pilot project for any initiatives the province or federal government brings forward.

The Committee received the report.

(k) **Application for Demolition, 28-32 James Street South (Information Report) (PDC00159)** (Item 5.2)

A discussion ensued regarding whether or not the City is obligated to issue a demolition permit.

Alderman Horwath suggested that the property be considered as part of the transportation master plan to be used as a bus terminus. She added that it will also be a good pedestrian link and it may also be a location where bathrooms can be provided.

Alderman Corsini, Alderman Copps and the Mayor were adamantly opposed to the demolition of the building.

Don Hall of the HSR explained that this may be a viable site for the expansion of the MacNab street bus terminus. He added that there have been examples whereby transportation has revitalized downtown cores.

The Committee adjourned into closed session to receive legal advise and reconvened immediately thereafter with no report.

After discussion the Committee resolved as follows:

"(a) That the matter be tabled in order that all efforts be made to find an alternative solution to the problem (to come back to Planning and Development Committee in two weeks); and,

(b) That in the interim, the Acting Building Commissioner be requested not to issue a demolition permit for 28-32 James Street South."

(l) **Application for Demolition, 723 Rymal Road West (PDC00161) (information Report)** (Item 5.3)

Paul Mallard gave the background to this report stating that the position was that an official plan amendment and amendment to the site plan were needed.

Sergio Manchia attended with Joe Kutlesa and stated for the record that the Gage in Gage House is not the same Gage as the Gage Park people - simply a farmer named Gage who owned the house. Mr. Manchia explained that the original proposal for the house had proved to not be financially feasible and incompatible with the neighbours. They had tried in good faith to explore all avenues. He was asking for an amendment to OPA 158 to allow for the clause referred to in the report to be removed.

Mr. Manchia stated that he had been approached by a cardiology company to occupy the site but was concerned that there may not be

adequate parking. Therefore, in order to accommodate them he was asking that Council consider the demolition as this would allow specialized use.

The Chairman stated that because of the medical circumstances and the need for such a facility, he felt the public should be asked for opinions. Response to be received in 21 days and have a special meeting prior to Council. He said he would abide by what the community says. He believed it was a site worthy of keeping as it is part of the heritage of the mountain and would like a delay to receive resident's comments. The Mayor concurred.

Lee Ann Coveyduck stated that a demolition permit cannot be issued until an Official Plan Amendment is granted.

(m) **OTHER BUSINESS**

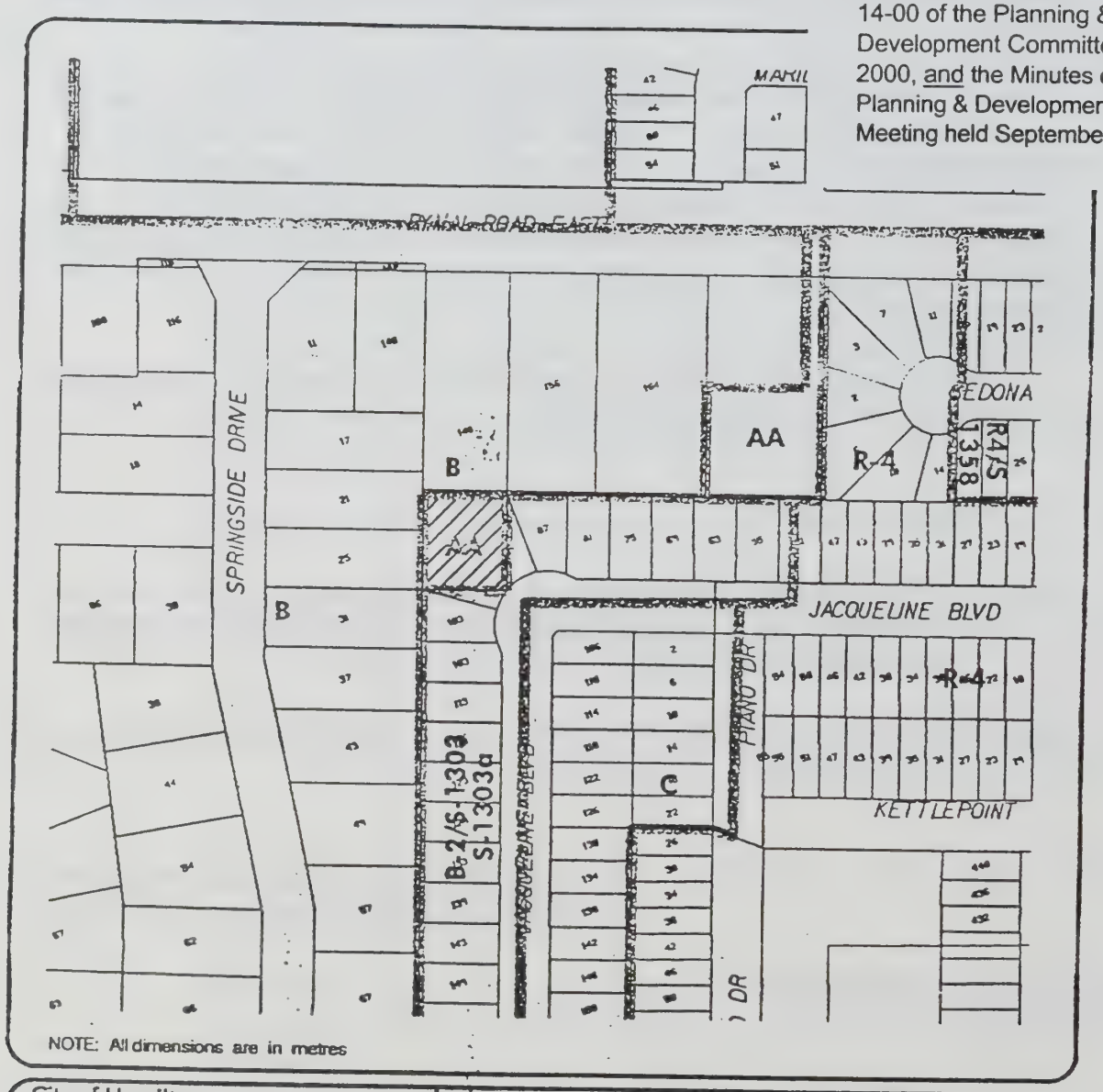
(i) The Committee adjourned into closed session to receive an information report regarding litigation and reconvened immediately thereafter with no report.

Note: The meeting of the Planning and Development Committee adjourned at 12:15 p.m.

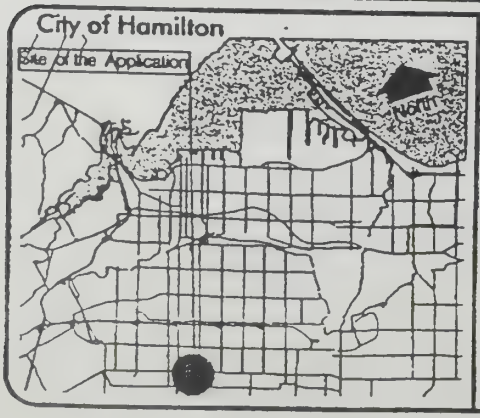
**Alderman F. D'Amico, Chairperson**
**Planning and Development Committee**

**Tina Agnello, Legislative Assistant**
**September 20, 2000**

Appendix "A" referred to in Section 1of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.




NOTE: All dimensions are in metres




Community Planning and Development Division

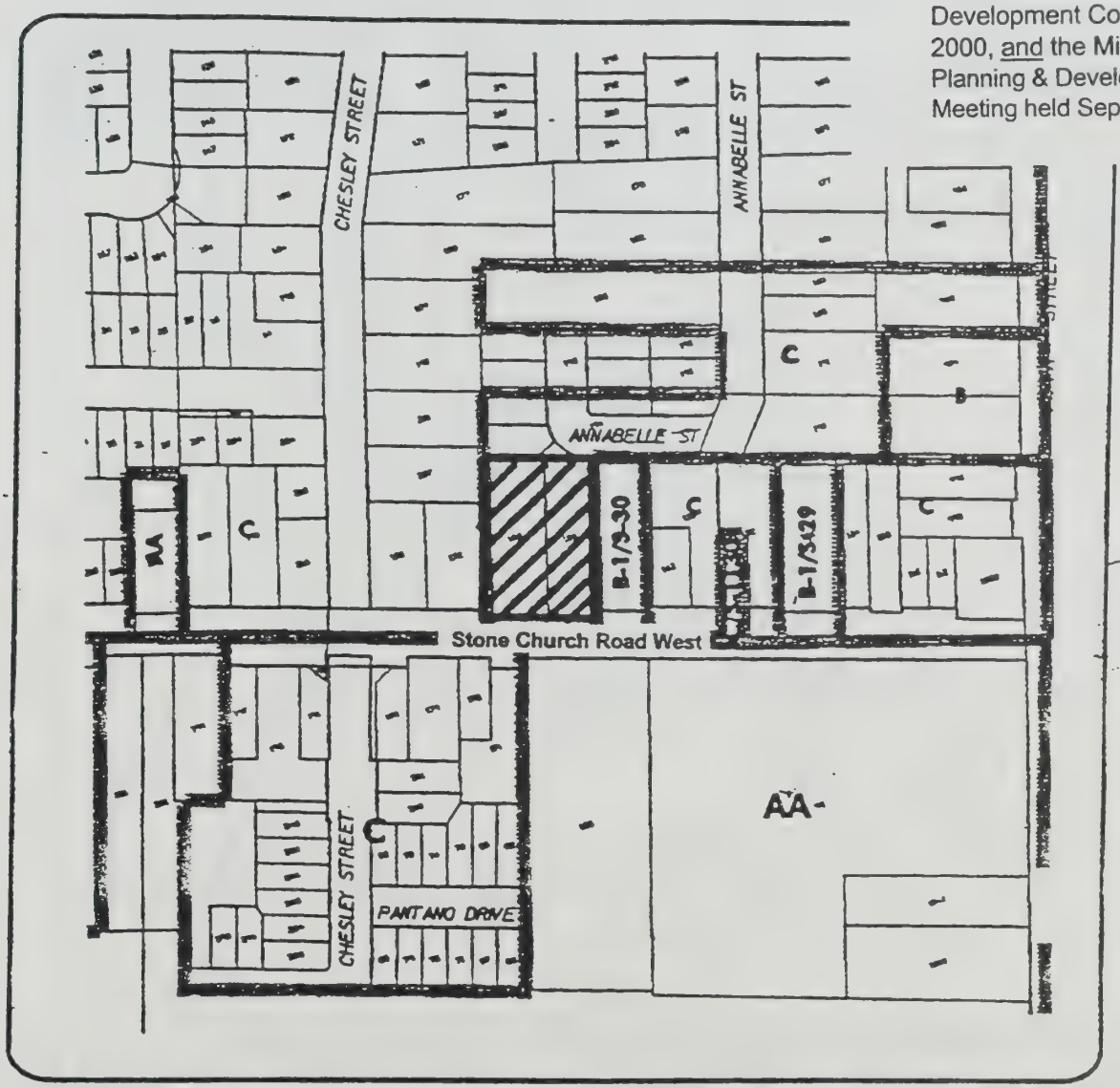
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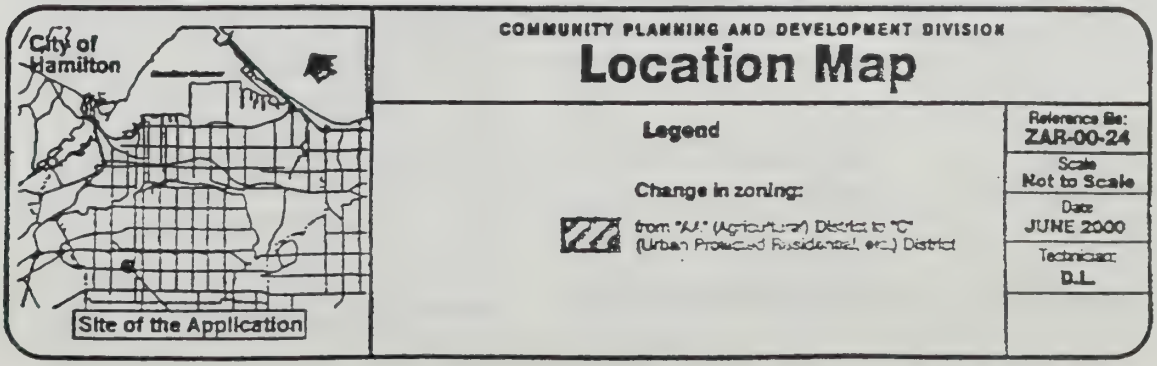
**Legend**

Rezoning From "AA" (Agricultural) District to "B-2" (Suburban Residential) District, Modified.

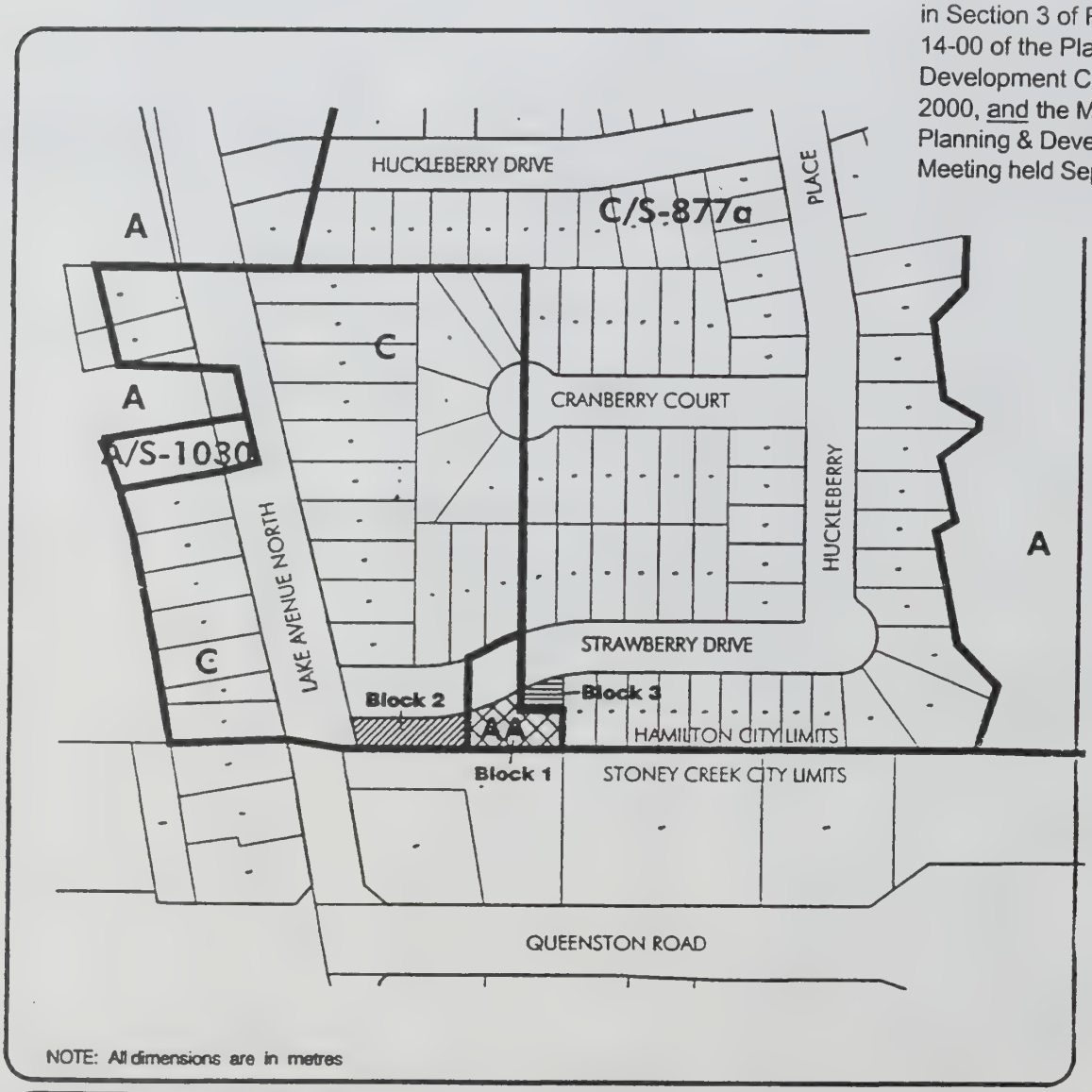
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| Scale | NOT TO SCALE |
| Date | June , 2000 |
| Drawn By | J-s |
| | APPENDIX "A" |

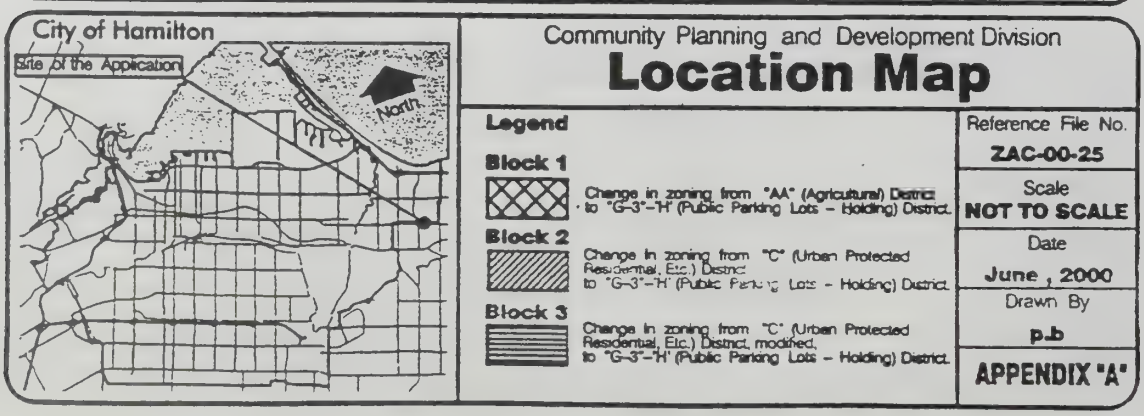
Appendix "B" referred to in Section 2 of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.



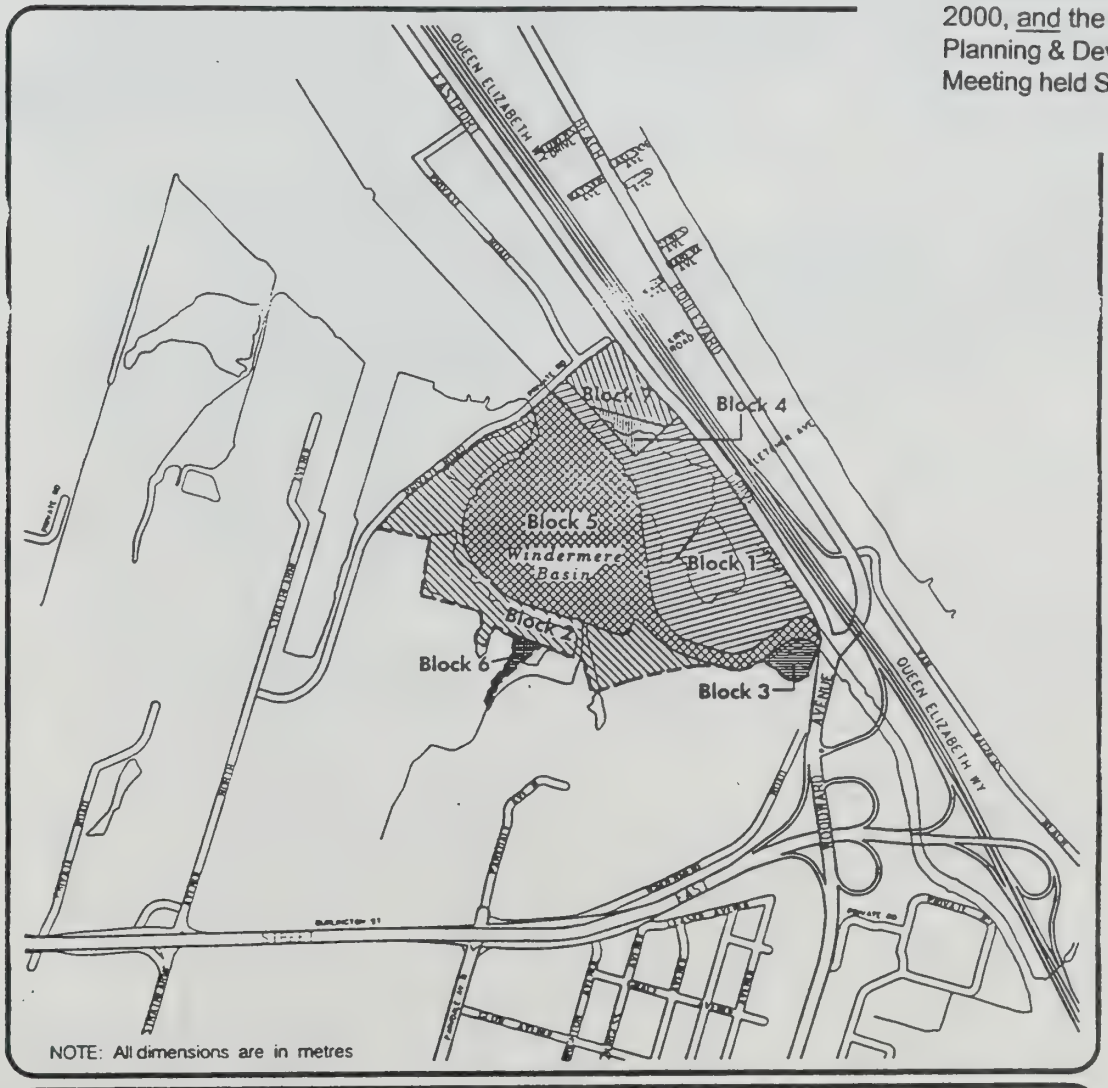



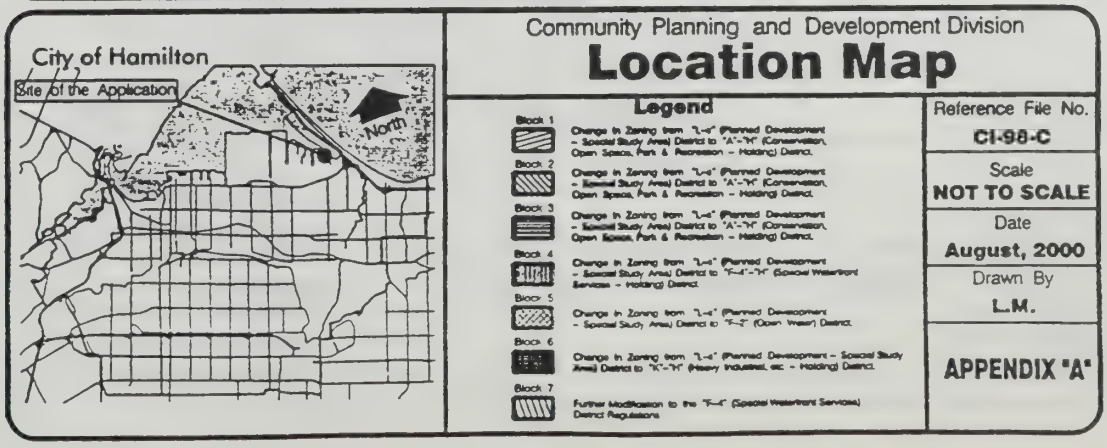
Appendix "C" referred to in Section 3 of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.



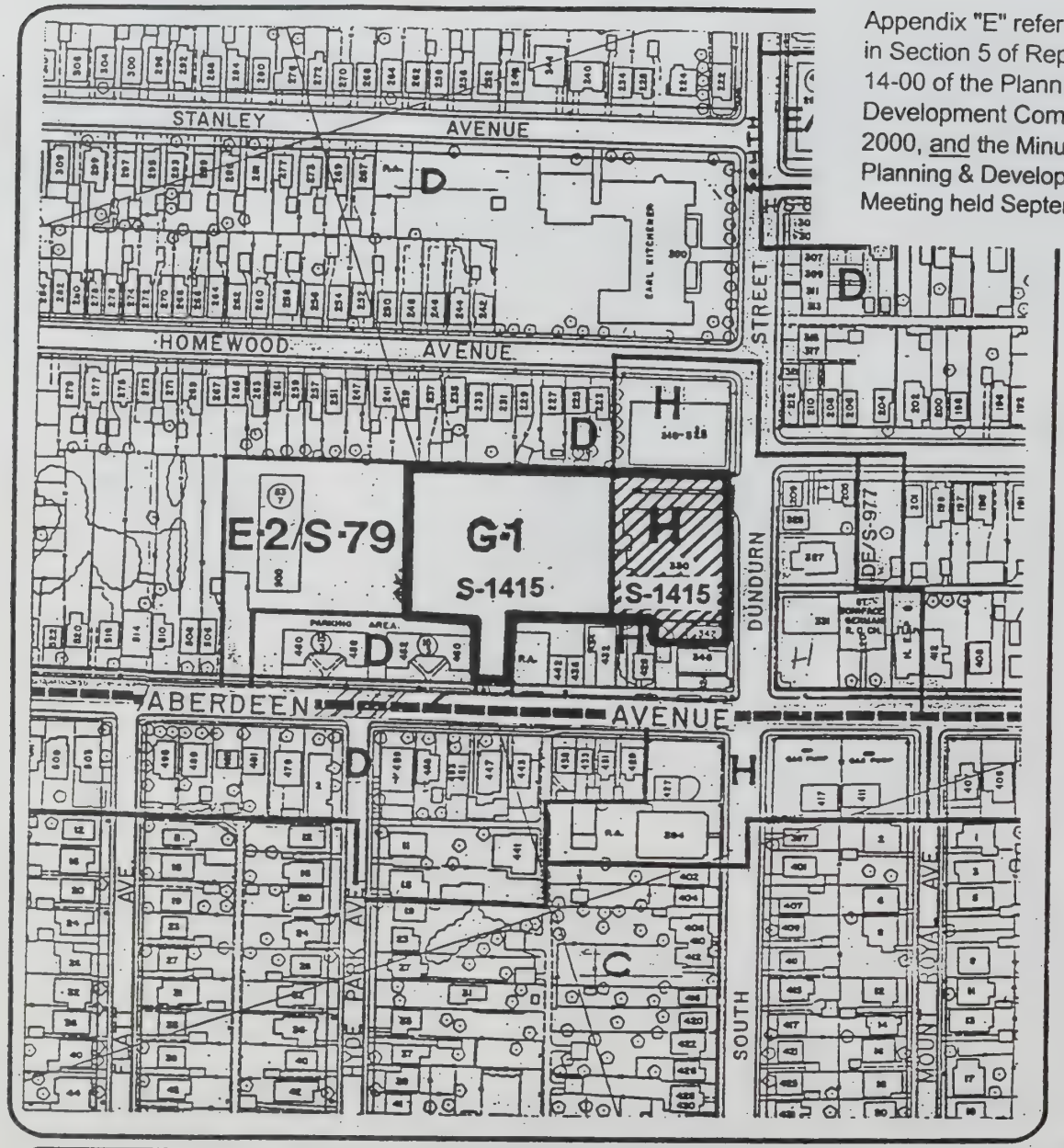



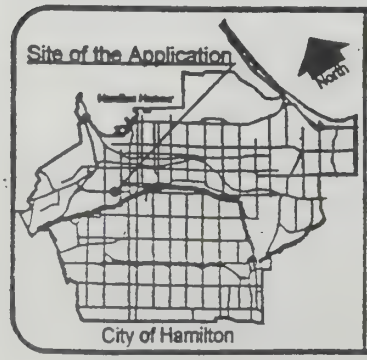
Appendix "D" referred to in Section 4 of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.



Appendix "E" referred to in Section 5 of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.




COMMUNITY PLANNING AND DEVELOPMENT DIVISION

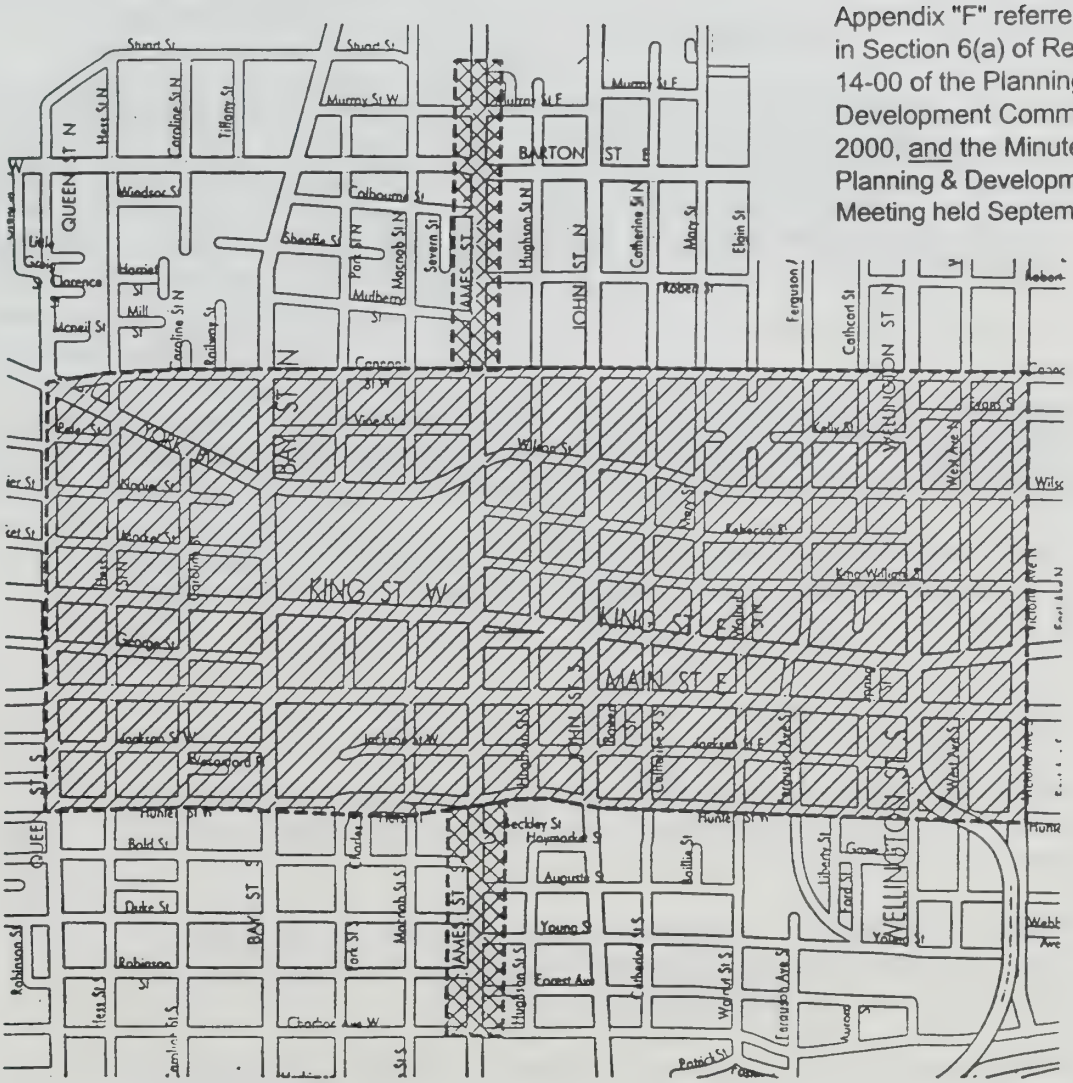
## Location Map

**Legend**

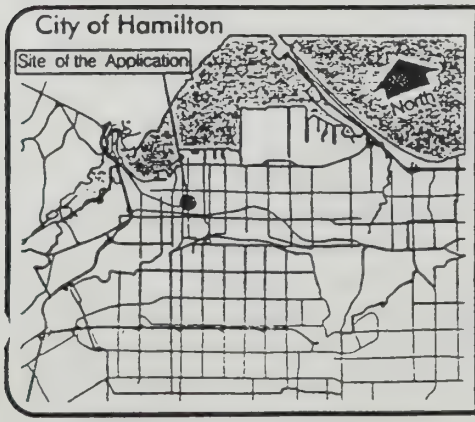
Further modification to the established "H" (Community Shopping and Commercial, etc.) District

| | |
|---|---|
| Reference file: | ZAC-00-01 |
| Scale | Not to Scale |
| Date | Feb., 2000 |
| Technician: | B. B. |
| | APPENDIX "A" |

Appendix "F" referred to in Section 6(a) of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.




NOTE: All dimensions are in metres




**Downtown Hamilton Community Improvement Project Area Boundary Expansion**

**Legend**

Current Downtown Hamilton Community Improvement Project Area Boundary

Expanded Downtown Hamilton Community Improvement Project Area Boundary

| | |
|---|---|
| Reference File No. | **CITYBASE-CIPA-A** |
| Scale | **NOT TO SCALE** |
| Date | **Aug. 17, 2000** |
| Drawn By | **LM** |
| | **APPENDIX "A"** |

Appendix "G" referred to in Section 6(c) of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.

## APPENDIX "B"

## THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA

### PREFACE:

The Downtown Hamilton Community Improvement Plan (CIP) was established by By-law 97-140 and approved by the Minister of Municipal Affairs and Housing. The Plan was subsequently amended by By-laws 98-122, 98-212 and 98-289.

The geographic area of the Downtown Hamilton Community Improvement Project Area (CIPA) was originally established by By-law 96-188. By-Law 00- has further enlarged the CIPA.

### PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic of the Downtown Hamilton Community Improvement Project Area as set out in By-law 00- and is shown on Appendix "A".

The Downtown Hamilton Community Improvement Plan focuses on rehabilitation, updating existing facades and interiors and encouraging the provision of new residential dwelling units through the provision of grants and loans.

This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic area delineated by both By-laws 96-188 and 00- .

### RATIONALE FOR THE EXPANDED AREA:

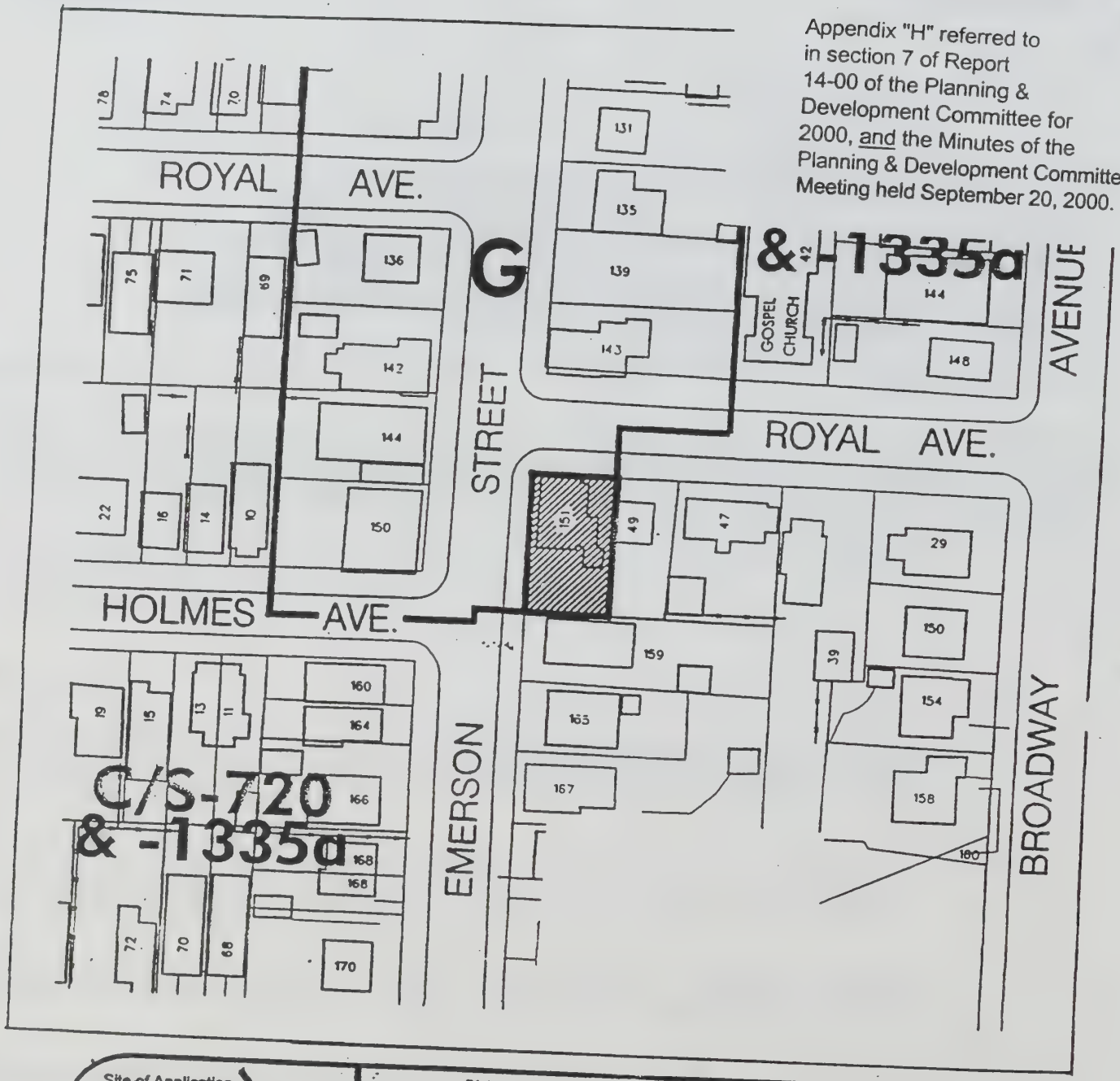
A vibrant downtown is key to the current and future well-being of the residents and business community of the City of Hamilton. Through various initiatives established by the City of Hamilton, there is an increasing private sector interest in redevelopment opportunities in Downtown Hamilton. It is important to maintain this interest and promote new investment by adjusting the Community Improvement Project Area boundary to encompass both sides of James Street north from Cannon Street to the former CN Rail Station and south from Hunter Street to St. Joseph's Hospital.

This expansion is warranted for the following reasons:

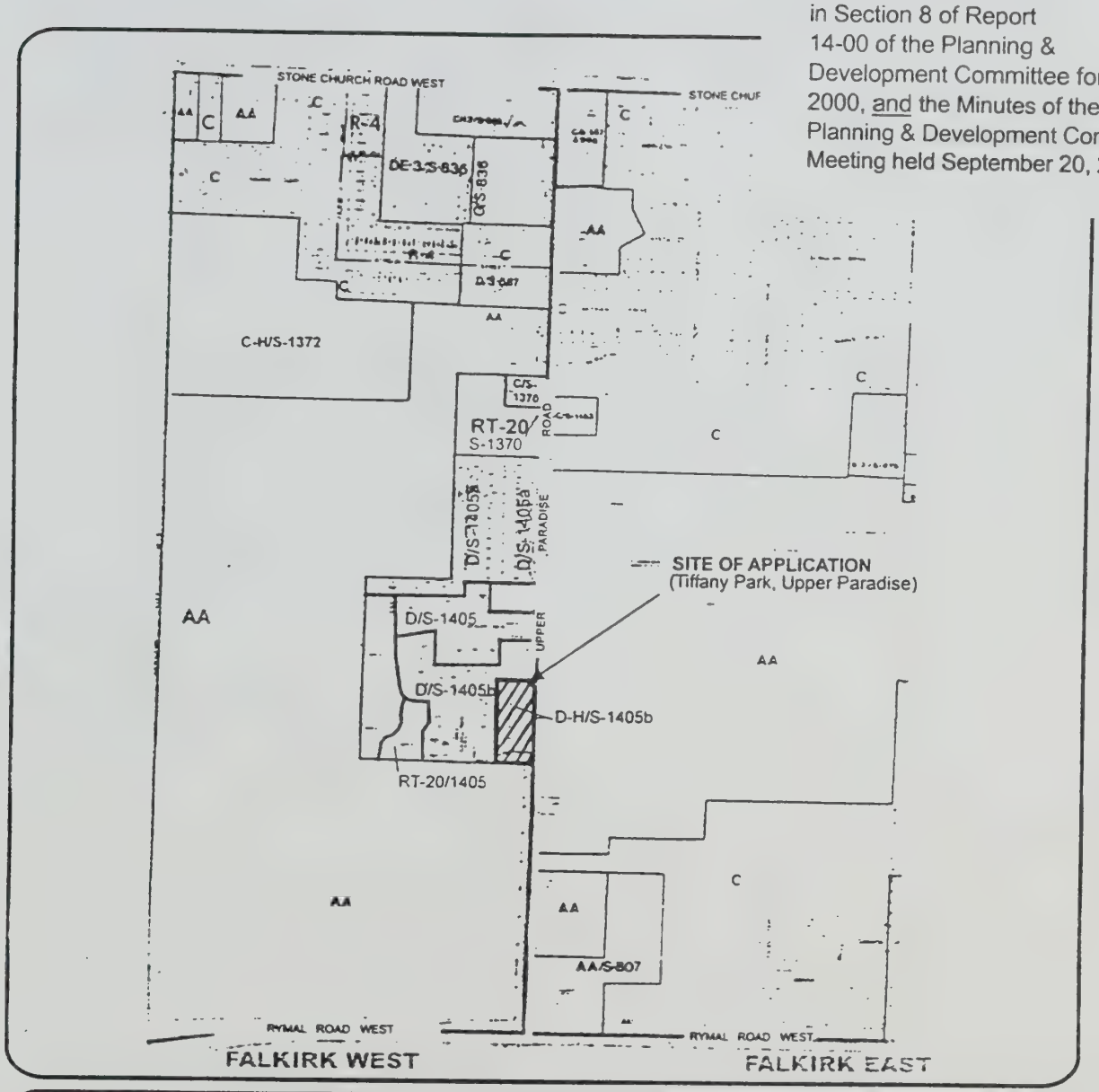
- It recognizes the linear characteristics of the higher order land uses that have existed for many years in Downtown Hamilton;
- It focuses potential revitalization initiatives between two community landmarks to maintain a cohesive identity for Downtown Hamilton; and,
- James Street continues to function as the key north-south arterial spine of Downtown Hamilton.

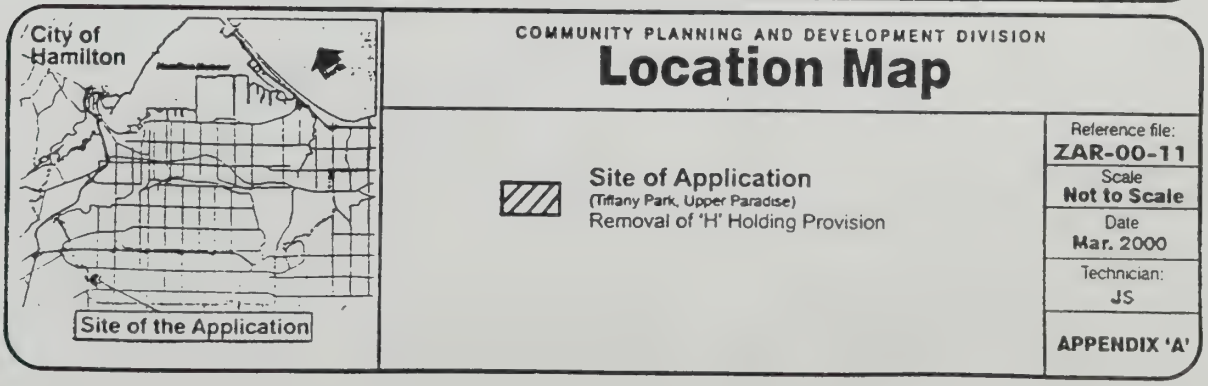
Co-incident with this expansion of Community Improvement Plan boundaries, it is the intent of the Council of the City of Hamilton to revise eligibility criteria for the existing Convert to Rent Loan program as it applies to the entire Downtown Hamilton Community Improvement Plan Project Area, as amended.

Appendix "H" referred to in section 7 of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.



Appendix "I" referred to in Section 8 of Report 14-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held September 20, 2000.



Hamilton Public Library
Urban/Municipal Collection
2nd Floor, 55 York Boulevard
Hamilton, Ontario L8K 3K1
1 BILL

# BILLS

## CITY OF HAMILTON
## CITY COUNCIL

**Tuesday, September 26, 2000**
**7:30 p.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

---

A-053 A By-law to alter Strachan Street West between Bay Street North and approximately 85M easterly by realigning the roadway and widening the pavement.

C-061 A By-law to Amend Zoning By-law No. 6593 as Amended By Zoning By-law No. 98-210 respecting lands located at Municipal Nos. 1088-1188 Upper Paradise Road.

C-062 A By-law to Amend Zoning By-law No. 6593 respecting lands located to the rear of Municipal No. 1472 Upper Gage Avenue.

C-063 A By-law to Amend Zoning By-law No. 6593 respecting lands located to the rear of Municipal No. 148 Rymal Road East.

C-064 A By-law to Adopt Official Plan Amendment No. 167 Respecting Lands and Water Located West of Eastport Drive and South of Pier 25 (Windermere Basin).

C-065 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of Eastport Drive, South of Pier 25 Known as Windermere Basin.

C-066 A By-law to Extend By-law No. 99-160 Respecting Land Within the "Wellington Estates, Phase 1" Subdivision, Plan 62M-885 and "Allison Estates, Phase 4" Subdivision, Plan 62M-823 from Part Lot Control.

C-067 A By-law to Extend By-law No. 98-226, as amended by By-law No. 99-130 Respecting Land Within the "Wisemount Estates, Phase 9" Subdivision, Plan 62M-836 from Part Lot Control.

Bill No. A-053

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

**TO ALTER STRACHAN STREET WEST BETWEEN BAY STREET NORTH AND APPROXIMATELY 85M EASTERLY BY REALIGNING THE ROADWAY AND WIDENING THE PAVEMENT**

**WHEREAS** the Council of the Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act. Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway;

**AND WHEREAS** the portion of highway known as Strachan Street West is a local road under the jurisdiction of The Corporation of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton, in adopting Item 11 of the 11-00 Report of the Transport and Environment Committee on June 27, 2000, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter Strachan Street West as hereinafter described;

**AND WHEREAS** Notice of the City's intention to pass this By-law to authorize the said alteration has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton:

**AND WHEREAS** the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the alterations be approved and carried out to Strachan Street West between Bay Street North and approximately 85m easterly, for the purpose of realigning the roadway and widening the travelled portion of the said street from the existing width of 8.7m to a width varying from 8.7m to 15.9m as illustrated in Schedule "A" attached hereto.

2. That the Mayor and Municipal Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the said works.

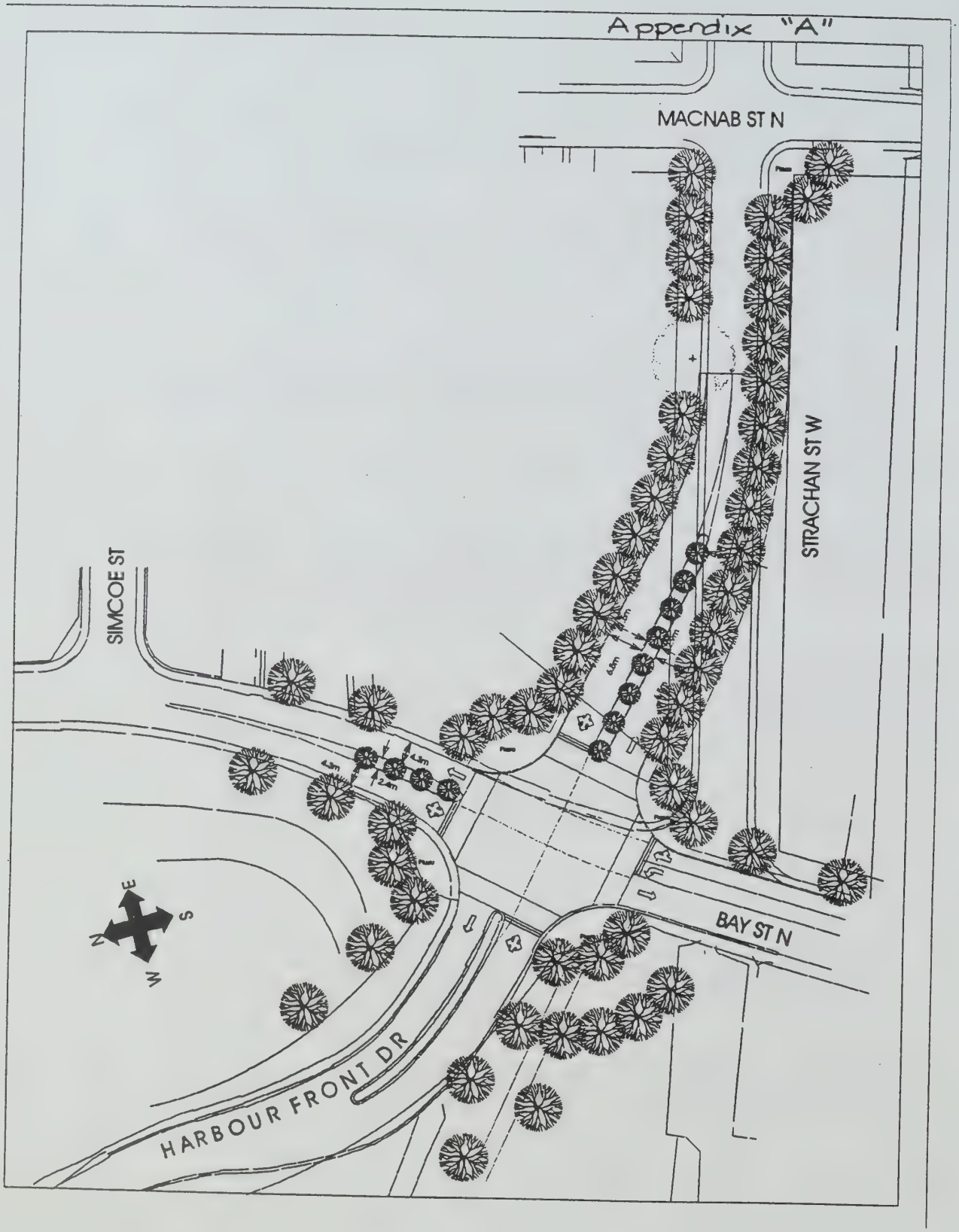
**PASSED** this 26th day of September , 2000.

ACTING MUNICIPAL CLERK

MAYOR

2000 11-00 R.T.E.C. 11, June 27

Appendix "A"


MACNAB ST N
STRACHAN ST W
SIMCOE ST
BAY ST N
HARBOUR FRONT DR
N
E
S
W

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 98-210

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS. 1088-1188 UPPER PARADISE ROAD**

**WHEREAS** the Council of The Corporation of the City of Hamilton passed By-law No. 98-210 on the 5th day of August 1998 to change the zoning from "C" (Urban Protected Residential, etc.) District to "D"-'H' (Urban Protected Residential - One and Two Family Dwellings, etc. – Holding) District and to establish special requirements with respect to the land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

**AND WHEREAS** Section 2 of By-law No. 98-210 provides that upon, the realignment of Upper Paradise Road to the satisfaction of the Commissioner of Transportation, the 'H' symbol shall be removed by amendment to By-law No. 98-210;

**AND WHEREAS** the owner has satisfied the above condition;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 98-210, passed on the 5th day of August 1998, to the "D" - 'H' (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District designation of the subject lands, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 98-210 and forming part thereof, is hereby removed and the development of the lands may proceed in accordance with the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 7 of By-law No. 98-210.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 7 of By-law No. 98-210.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1405a.

4. Sheet No. W-37D of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1405a.

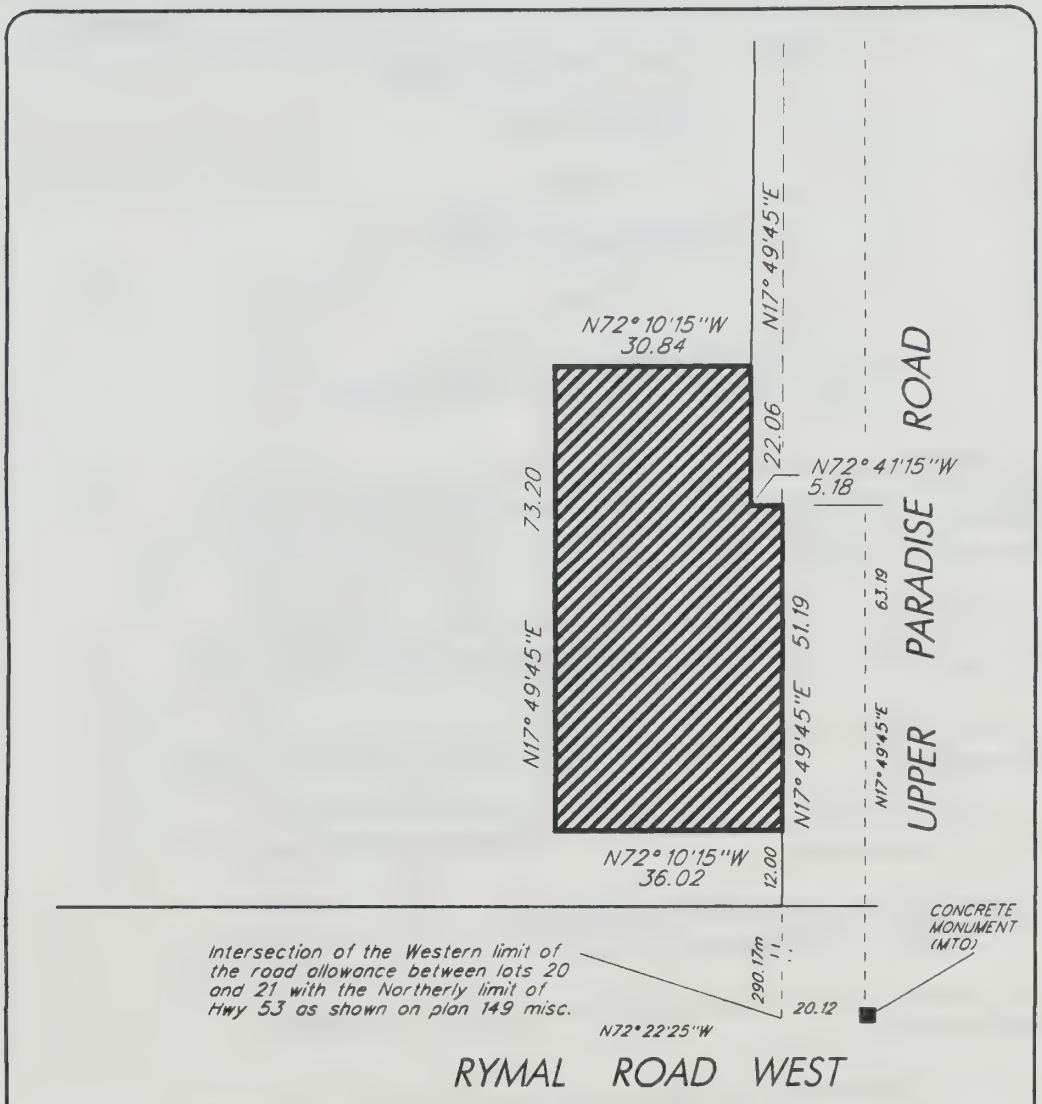
5. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED** this 26th day of September A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) R.P.D.C.
Visplar Holdings Inc., Owner
ZAR-00-11




NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 -.....
Passed the ..... day of ....., 00.

Clerk

Mayor

City of Hamilton

# Schedule "A"

Map Forming Part of By-Law No. 00-____

to Amend By-Law No. 6593

Community Planning and Development Division

**Legend**

Change in zoning from:

"D" - 'H' (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, modified to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified

| North | Scale | Reference File No. |
|---|---|---|
| | NOT TO SCALE | ZAR-00-11 |
| | Date | Drawn By |
| | May, 2000 | B. B. |

Bill C-062

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED TO THE REAR
OF MUNICIPAL NO. 1472 UPPER GAGE AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-38D of the District Maps appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

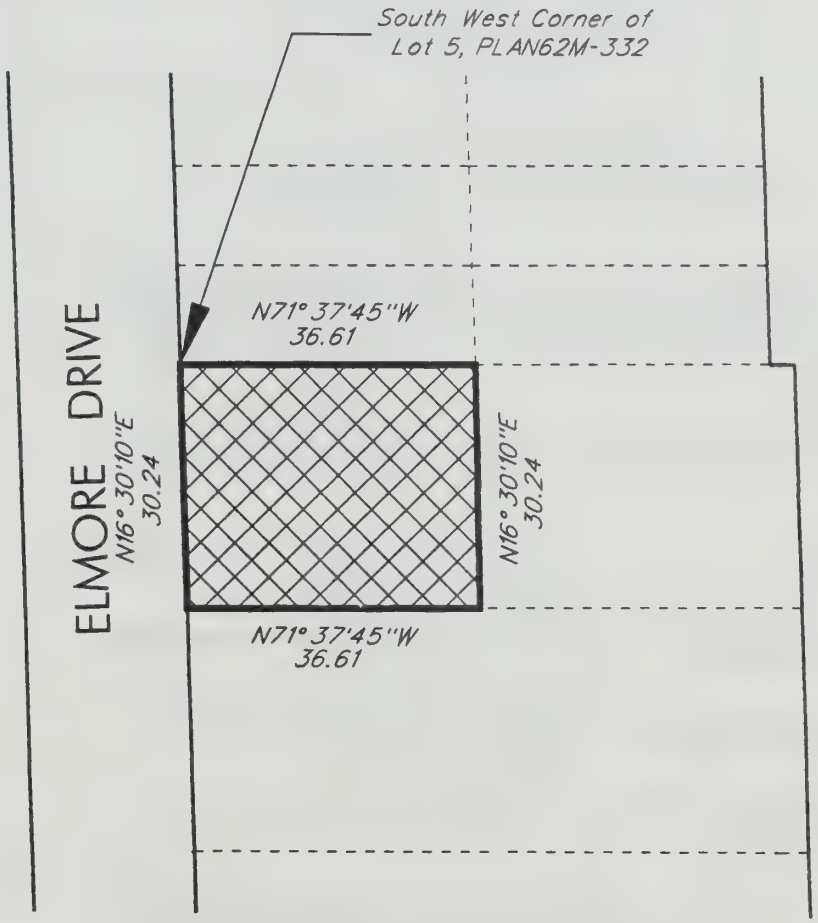
2. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED** this day of A.D. 2000.

ACTING MUNICIPAL CLERK

MAYOR

(2000) 00-12 R.P.D.C. 4, June 27
Shawn Murray, Locane Holdings, Owner
ZAR-00-16




NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 -.....
Passed the ..... day of ....., 00.

Clerk

Mayor

City of Hamilton

# Schedule "A"

Map Forming Part of
By-Law No. 00-____

to Amend By-Law No. 6593

Community Planning and Development Division

**Legend**

Change in zoning from "AA" (Agricultural) District to "R-4" (Small lot Residential etc.) District.

| North | Scale | Reference File No. |
|---|---|---|
| | NOT TO SCALE | ZAR-00-16 |
| | Date | Drawn By |
| | September, 2000 | B. B. |

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED TO THE REAR
OF MUNICIPAL NO. 148 RYMAL ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9E of the District Maps appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "B-2" (Suburban Residential) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

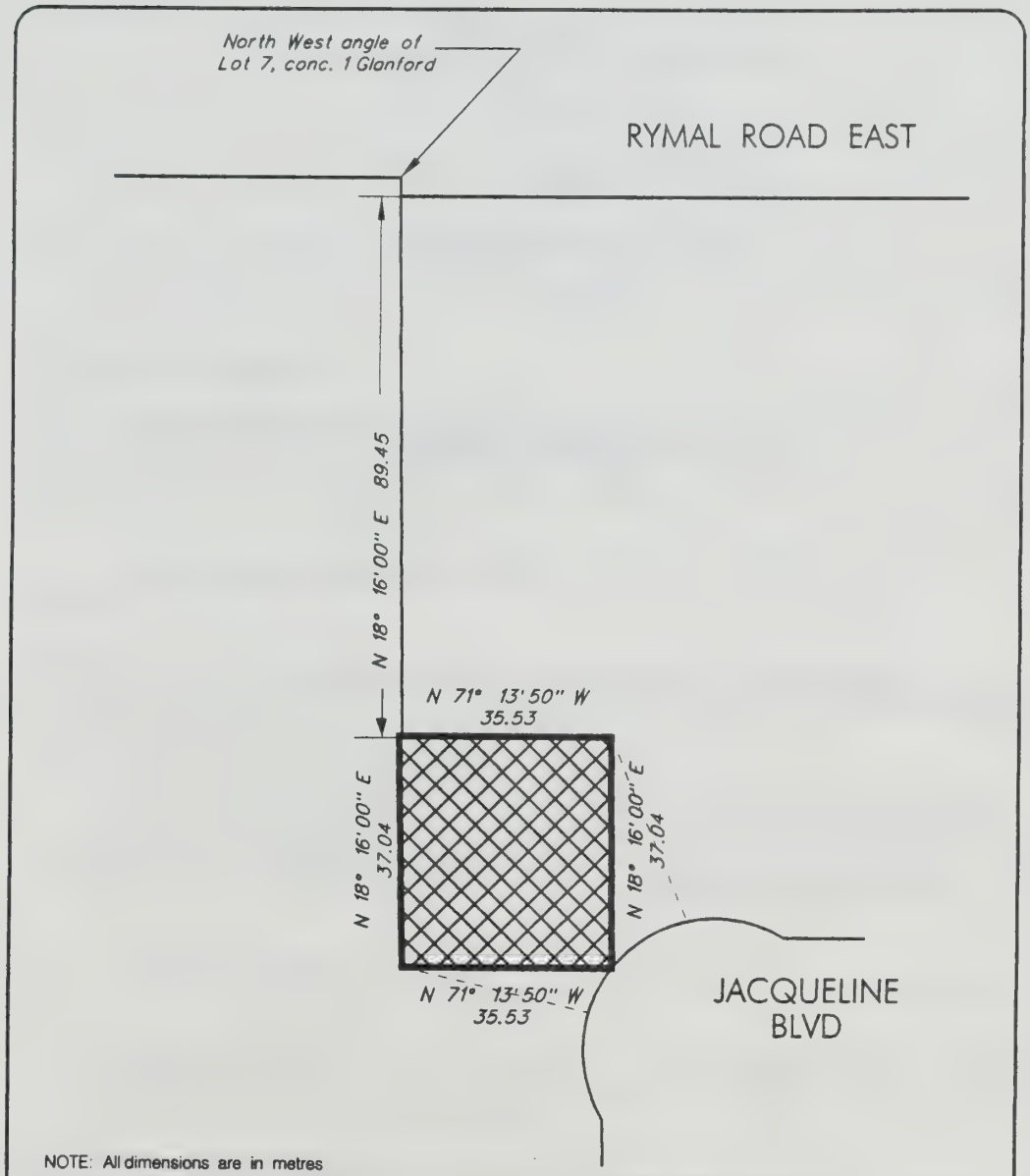
2. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED** this day of A.D. 2000.

ACTING MUNICIPAL CLERK

MAYOR

(2000) 00- R.P.D.C. 4, September 26
Janet Lynn and Kenneth Robert MacLennan, Owners
ZAR-00-23




NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 -.....
Passed the ..... day of ..... , 00.

Clerk

Mayor

City of Hamilton

# Schedule "A"

Map Forming Part of
By-Law No. 00-____

to Amend By-Law No. 6593

Community Planning and Development Division

**Legend**

Change in zoning from:

"AA" (Agricultural) District to
"B-2" (Suburban Residential) District

| North | Scale | Reference File No |
|---|---|---|
| | NOT TO SCALE | ZAR-00-23 |
| | Date | Drawn By |
| | September, 2000 | B. B. |

Bill No. C-064

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Adopt:

Official Plan Amendment No. 167

Respecting:

**LANDS AND WATER LOCATED WEST OF EASTPORT DRIVE AND SOUTH OF PIER 25 (WINDERMERE BASIN)**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 167 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

**PASSED** this the day of A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 14 R.P.D.C 4(September 20),
OPA 167
City Initiative
CI-98-C

# Amendment No. 167

# to the

# City of Hamilton Official Plan

The following text together with Schedule "A" – Land Use Concept, constitutes Official Plan Amendment No. 167.

**Purpose and Location:**

The purpose of this Amendment is to redesignate land and water from "Special Policy Area: Windermere Basin" to "Open Space", "Industrial", "Shipping and Navigation Uses" and "Open Water", for lands and water located west of Eastport Drive, and south of Pier 25, and known as Windermere Basin.

**Basis:**

The basis for the redesignating the area for open space and open water uses is as follows:

1) the high visibility and accessibility of the subject area provide opportunities to improve the City's image by developing the lands for open space and recreational activities which improve the City's image;

2) it is the last remaining open space opportunity on the south side of Hamilton Harbour;

3) the location is central to a Provincial trail system including the Red Hill Creek Trail, Bruce Trail and Lake Ontario Waterfront Trail;

7) the open space uses will have less impact on nearby residential uses and will act as a buffer between the heavy industrial uses in the central Bayfront and the residential uses to the north and south;

4) the is a need to "round out" the industrial area known as Eastport on Piers 25, 26 and 27 by redesignating a small area in the north west for "Industrial"; and,

5) the Basin is the mouth of the Red Hill Creek and provides an area to collect sediments from the up stream flow of the Creek.

**Actual Changes:**

1. Schedule "A" - Land Use Concept of the Official Plan be revised by:

   a) redesignating the subject area from "Special Policy Area: Windermere Basin" to "Open Space" , "Industrial", "Shipping and Navigation Uses" and "Open Water"; and,

   b) deleting "Special Policy Area: Windermere Basin" from the legend.

2. Subsection A.2.5 – Open Water be revised by adding a new policy as follows:

   "A.2.5.4 Notwithstanding the designation of Windermere Basin as OPEN WATER and subject to policy A.2.9.3.2, the preferable uses for Windermere Basin are for aesthetic, ecological and scientific activities."

3. Delete Policy A.2.9.3.2 and replace with the following:

   "A.2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

   i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;

   ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;

   iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,

   iv) Urban design guidelines for the area will be prepared based on the following basic principles:

   a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge

Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.

b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.

c) Street plantings and maintenance will add to the image of the area.

**Implementation:**

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

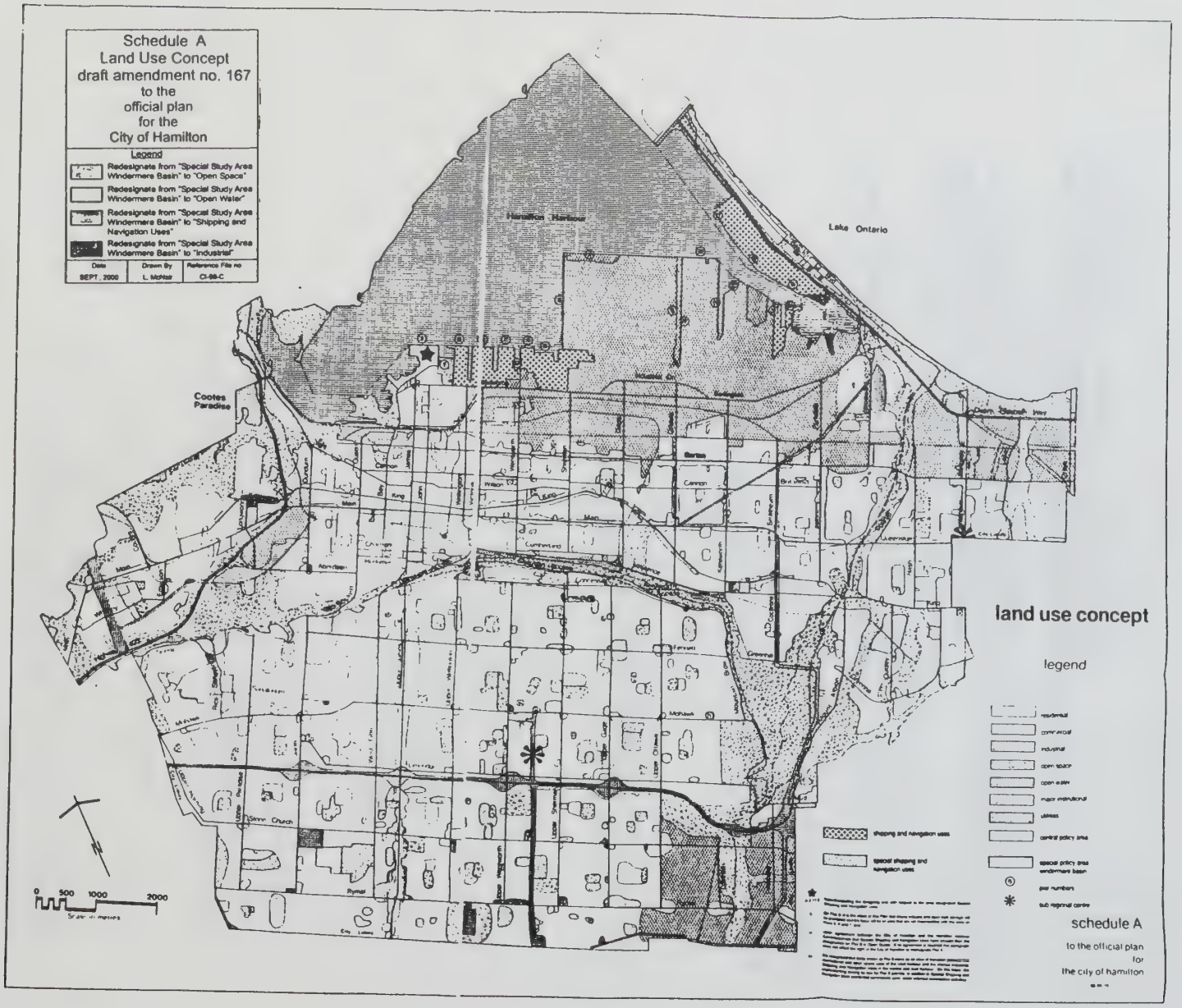
This is Schedule "1" to By-law No. 00- , passed on the day of , 2000.

**The Corporation of the**

**City of Hamilton**

Acting Municipal Clerk

Mayor


Schedule A
Land Use Concept
draft amendment no. 167
to the
official plan
for the
City of Hamilton
Legend
Redesignate from "Special Study Area Windermere Basin" to "Open Space"
Redesignate from "Special Study Area Windermere Basin" to "Open Water"
Redesignate from "Special Study Area Windermere Basin" to "Shipping and Navigation Uses"
Redesignate from "Special Study Area Windermere Basin" to "Industrial"
Date
SEPT. 2000
Drawn By
L. McNair
Reference File no
CI-98-C
Hamilton Harbour
Lake Ontario
Cootes Paradise
0
500
1000
2000
land use concept
legend
schedule A
to the official plan
for
the city of hamilton

Bill No. C-065

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED WEST OF EASTPORT DRIVE,SOUTH OF PIER 25 KNOWN AS WINDERMERE BASIN**

**WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 passed on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed By-law No. 83-240 on the 27th day of July 1983, to rezone the lands in the East and West Harbour, and with respect to the Windermere Basin established zoning of the land below water and including the existing water area as "L-s" (Planned Development – Special Study Area) District, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A-6";

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed by-law No. 83-259 on the 31st of August 1983, to amend By-law No. 83-240 in order to clarify the application of the by-law;

**AND WHEREAS**, the Council of The Corporation of the City of Hamilton passed By-law No. 98-313 on December 15th, 1998 to establish interim control in regard to the area described in Schedule "A" attached to that by-law;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed By-law No. 99-268 on November 30th, 1999 to extend the period of interim control;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enact as follows:

1. That by-law No. 98-313 as amended by By-law No. 99-268 be repealed;

2. Sheet Nos. E-70, E-80, E-80a, E-80b and E-80c of the District Maps, appended to and forming part of By-law No. 6593, is amended,

   (a) by changing from "L-s" (Planned Development – Special Study Area) District to "A" – 'H' (Conservation, Open Space, Park and Recreation - Holding) District the lands comprised in Blocks "1" "2" and "3", and "8".

   (b) by changing from "L-s" Planned Development – Special Study Area) District to "F-4" – 'H' ( Special Waterfront Services - Holding) District, lands comprised in Block "4", and,

   (c) by changing from L-s" Planned Development – Special Study Area) District to "F-2" (Open Water) District, lands comprised in Block "5". and,

   (d) by changing from "L-s" (Planned Development – Special Study Area) District to "K" – 'H' (Heavy Industry, etc. - Holding) District, the lands comprised in Block "6".

3. (a) The 'H' symbol applicable to land referred in section 2(a), 2(b), and 2(d) shall be removed conditional upon the owner:

(1) Submitting a signed Record of Site Condition (RSC) to the Region and The Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;

(2) Submitting an Environmental Impact Statement to the satisfaction of the General Manager, Community Planning and Development Division to evaluate the impacts of the specific proposal on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,

(3) Preparing and submitting a stormwater management plan to the satisfaction of the General Manager, Community Planning and Development Division and the Hamilton Region Conservation Authority;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 2 may at such time proceed in accordance with the "A" District, "F-4" District and "K" District provisions, subject to the special requirements contained in sections 4, 5, 6 and 7 of this by-law.

4. That the "A" (Conservation, Open Space, Park and Recreation) District provisions, as contained in Section 7 of Zoning By-law 6593, applicable to lands comprised of Block "1", "2" and "3" are amended to the extent only of the special requirements that:

(a) That notwithstanding Section 7(1), the following uses will also be permitted: visitor centre, museum, trail centre, and information centre;

5. That the "A" (Conservation, Open Space, Park and Recreation) District provisions, as contained in Section 7 of Zoning By-law 6593, applicable to lands comprised of Block "8" is:

(a) That notwithstanding Section 7(1), the following use will also be permitted: an access road.

6. The "F-4" (Waterfront Services) District provisions, as contained in Section 12D of Zoning By-law No. 6593, applicable to the lands comprised of Block "4", and as modified by Ontario Municipal Board Order dated February 20, 1998, applicable to Block "7", is amended to the extent only of the special requirements that:

(a) That notwithstanding Section 12D(1), only the following uses shall be permitted:

| Identification Number | | Permitted Use |
|---|---|---|
| 1. | 4542 | Ferry Industry; |
| 2. | 4543 | Marine Towing Industry; |
| 3. | 4544 | Ship Chartering Industry; |
| 4 | 4549 | Other Water Transport Industries; |
| 5. | 4551 | Marine Cargo Handling Industries; |
| 6. | 4552 | Harbour and Port Operation Industry; |
| 7. | 4553 | Marine Salvage Industry; |
| 8. | 4554 | Piloting Service, Water Transport Industry; |
| 9. | 4555 | Marine Shipping Agencies Industry; |
| 10. | 4552 | Other Service Industries Incidental to Water Transport; |

| | | |
|---|---|---|
| 11. | 3271 | Shipbuilding and Repair Industry; |
| 12. | 3281 | Boatbuilding and Repair Industry; |
| 13. | 9841 | Labour Organizations; |
| 14. | 4561 | General Freight Trucking Industry; |
| 15. | 4565 | Forest Products Trucking Industry; |
| 16. | 4569 | Other Truck Transport Industry; |
| 17. | 4562 | Used Goods Moving and Storage Industry; |
| 18. | 4592 | Freight Forwarding Industry; |
| 19. | 459 | Other Service Industries Incidental to Transportation, n.e.c.; |
| 20. | 4791 | Refrigerated Warehousing Industry; |
| 21. | 4799 | Other Storage and Warehousing Industries, nec; |
| 22. | 5999 | Other Products n.e.c., Wholesale limited to Chandlers; |
| 23. | 7794 | Customs Broker; |
| 24. | 9211, 9212 | Restaurants (licensed and unlicensed); |
| 25. | 9213 | Take-out Food Services; |
| 26. | 9214 | Caterers; |
| 27. | 9221 | Taverns, Bars and Night Clubs; |
| 28. | 3521 | Hydraulic Cement Industry; |
| 29. | 3551 | Redi-Mix Concrete Industry; |
| 30. | 5999 | Chandler engaged in supply or outfitting of boats; |
| 31. | 7021,7031,705 | Bank, trust company or credit union; |
| 32. | 8521 | Marine related commercial school; |
| 33. | 9919, 654 | Sale and rental of recreational equipment including the charter or rental of boats, canoes or bicycles, but not motorcycles and snowmobiles; |
| 34. | Not Classified | Accessory business office; |
| 35. | 868 | Laboratory; |
| 36. | 9654 | Boat Rental and Marina; |
| 37. | 9961 | Ticket and Travel Agencies; |
| 38. | 9962 | Tour Wholesaler and Operators; |
| 39. | Not Classified | Shipping, Transshipping and Distribution Depot; |
| 40. | 635 | Motor Vehicle and Equipment Repair Shop except paint and autobody repair; |
| 41. | 8641 | Day Nursery; |
| 42 | 868 | Research Establishment/Laboratory; |
| 43. | 481 | Telecommunications Broadcasting Industry; |
| 44. | Not classified | Heliports and Seaplane Operations; |
| 45. | 484 | Postal and Courier Service Industry; |
| 46. | 171 | Leather and allied products industries, except leather tanneries; |
| 47. | 24 | Clothing Industry; |
| 48. | 279 | Paper Box, Bag and other converted paper products industry; |
| 49. | 28 | Printing, publishing and allied industry; |
| 50. | 3029 | Fabricated metal products industry; |
| 51. | 339 | Electrical products industry; |
| 52. | 391 | Scientific and professional equipment industry; |
| 53. | 392 | Jewellery and precious metal industry; |
| 54. | 393 | Sporting goods and toy industry; |
| 55. | 397 | Sign and Display Industry; |
| 56. | Not classified | Light manufacturing assembly industry; |

| | | |
|---|---|---|
| 57. | 42 | Trade contracting industry; |
| 58. | Not classified | Truck, machinery and equipment sales, rental and repair; |
| 59. | 199 | Textiles and textiles products industries; |
| 60. | 103 | Fruit and vegetable industry other than processing; |
| 61. | 104 | Dairy products industry other than processing; |
| 62. | 107 | Bakery products industry; |
| 63. | 2549 | Millwork industry; |
| 64. | 2541 | Wooden buildings industry; |
| 65. | 25 | Wood products factory; |
| 66. | 26 | Furniture industry; |
| 67. | 31 | Machinery industry; |
| 68. | 32 | Transportation equipment industry; |
| 69. | 33 | Electronic products industry; |
| 70. | 351 | Clay products industry; |
| 71. | 354 | Concrete products industry; |
| 72. | 3562 | Glass products industry; |
| 73. | Not Classified | Small metal wares factory; |
| 74. | 60,51,77 | Retail stores, or showrooms or sample rooms, for the sale of jewellery, crafts, gifts and souvenirs, clothing, flowers, photographic equipment, teas, coffees, spices and specialty foods, imported goods bazaar, fish or antiques; |
| 75. | 9692 | Amusement parks; |
| 76. | 654 | Establishments for the sale of bait; |
| 77. | 77,81,82,83,84,86,85,91,92,96,97,98,99 | Service industries; |
| 78. | | Accessory Uses:<br>(a) Accessory buildings, structures or uses;<br>(b) Business Identification Signs that are Ground Signs, Wall Signs or Roof Signs of an occupancy or use of the land on which the sign is situate. |

(b) That 12D(2) be amended to delete the words "Every PUBLIC, COMMERCIAL, INDUSTRIAL and ACCESSORY USE" and replace with "All the foregoing uses", so the entire introduction reads as follows:

"All the foregoing uses that are not for bona fide purposes of shipping and navigation, shall comply with the following: ..."

7. That the "K" (Heavy Industry, etc.) District provision , as contained in Section 17 of Zoning By-law No. 6593, applicable to Block "6", is amended to the extent only of the special requirements that:

(a) That notwithstanding Section 17(1), a tallow rendering plant will not be permitted.

8. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "A" (Conservation, Open Space, Park and Recreation) District, "F-4" (Waterfront Services) District and "K" (Heavy Industry, etc.) District provisions, subject to the special requirements referred to in Sections 4, 5, 6 and 7 of this by-law.

9. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1450

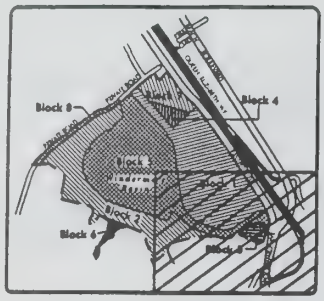
10. Sheet Nos. E-70, E-80, E-80a, E-80b and E-80c of the District Maps are amended by marking the lands referred to in Section of this by-law, S- 1450.

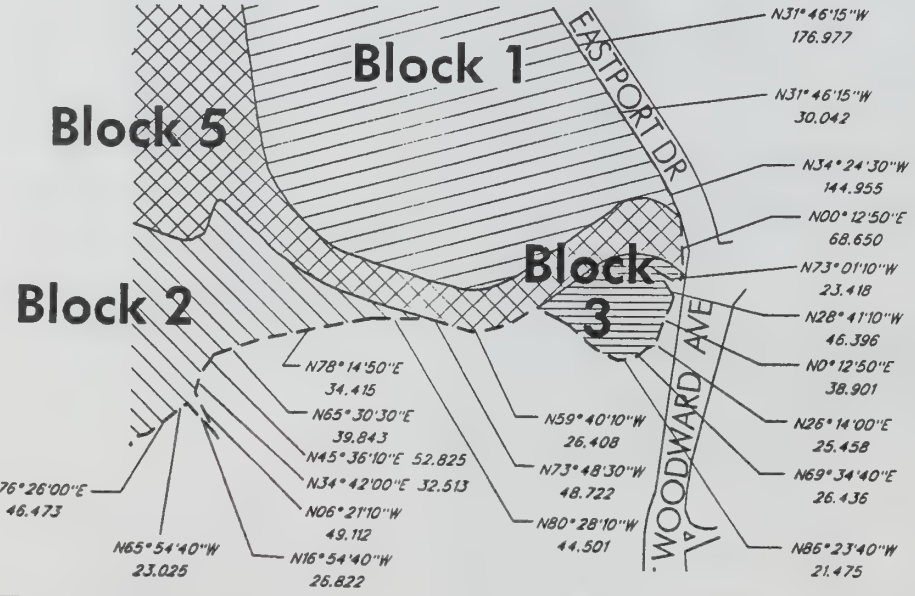
11. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED** this day of A.D. 2000

ACTING MUNICIPAL CLERK MAYOR

(2000)14 R.P.D.C. 4, September 20
City Initiative
CI-98-C




This is Schedule "A" to By-Law No. 00 -.....
Passed the ..... day of ....., 00.

Clerk Mayor

Mayor

City of Hamilton

# Schedule "A"

Map Forming Part of
By-Law No. 00-____

to Amend By-Law No. 6593

Community Planning and Development Division

## Legend

**Block 1** — Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "A"-"H" (Conservation, Open Space, Park & Recreation - Holding) District Modified.

**Block 2** — Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "A"-"H" (Conservation, Open Space, Park & Recreation - Holding) District Modified.

**Block 3** — Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "A"-"H" (Conservation, Open Space, Park & Recreation - Holding) District Modified.

**Block 4** — Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "F-4"-"H" (Special Waterfront Services - Holding) District Modified.

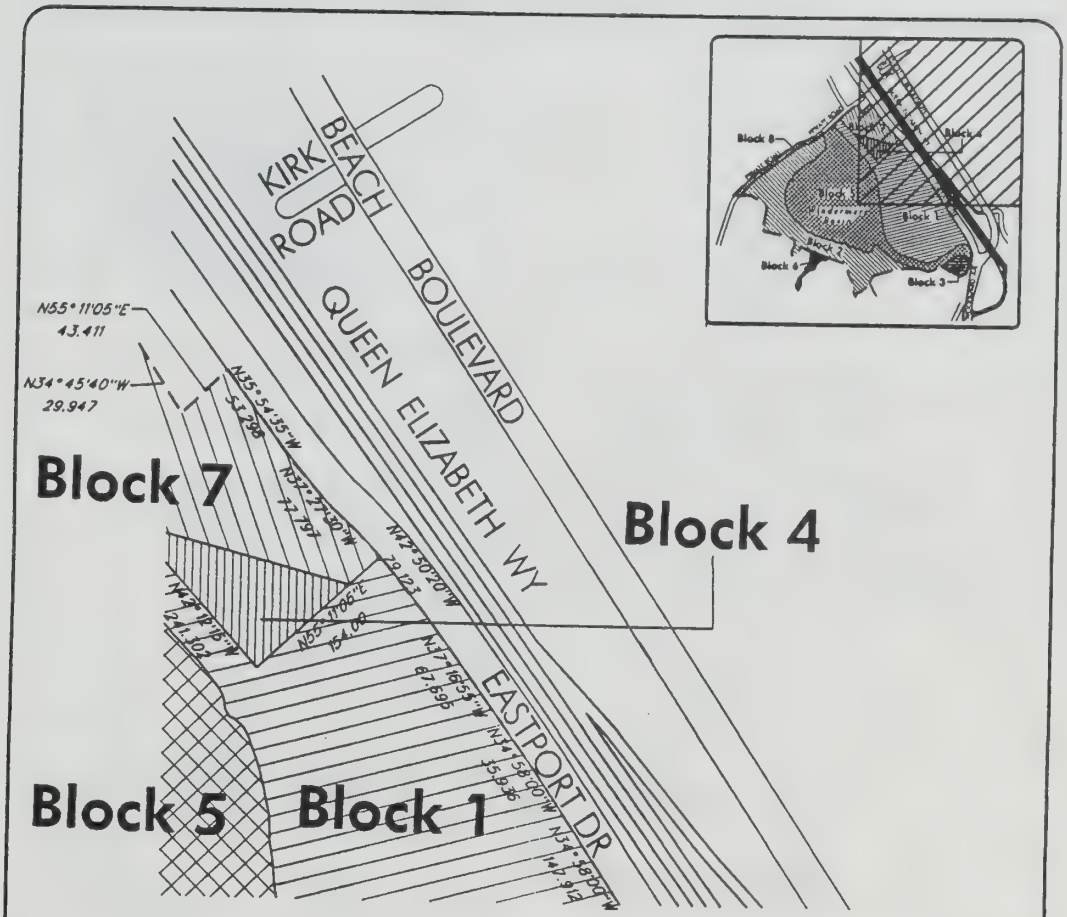
**Block 5** — Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "F-2" (Open Water) District.

**Block 6** — Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "K"-"H" (Heavy Industrial, etc. - Holding) District Modified.

**Block 7** — Further Modification to the "F-4" (Special Waterfront Services) District Regulations.

**Block 8** — Change in Zoning from "L-s" (Planned Development - Special Study Area) District to "A"-"H" (Conservation, Open Space, Parkland recreation - Holding) District Modified.

| North | Scale | Reference File No. |
|---|---|---|
| | NOT TO SCALE | CI-98-C |
| | Date | Drawn By |
| | Sept., 2000 | L.M. |




This is Schedule "A" to By–Law No. 00 –.....
Passed the ..... day of ....., 00.

Clerk Mayor

Mayor

City of Hamilton

# Schedule "A"

Map Forming Part of
By–Law No. 00–____

to Amend By–Law No. 6593

Community Planning and Development Division

## Legend

Block 1 — Change in Zoning from "L–s" (Planned Development – Special Study Area) District to "A"–"H" (Conservation, Open Space, Park & Recreation – Holding) District Modified

Block 2 — Change in Zoning from "L–s" (Planned Development – Special Study Area) District to "A"–"H" (Conservation, Open Space, Park & Recreation – Holding) District Modified.

Block 3 — Change in Zoning from "L–s" (Planned Development – Special Study Area) District to "A"–"H" (Conservation, Open Space, Park & Recreation – Holding) District Modified

Block 4 — Change in Zoning from "L–s" (Planned Development – Special Study Area) District to "F–4"–"H" (Special Waterfront Services – Holding) District Modified.

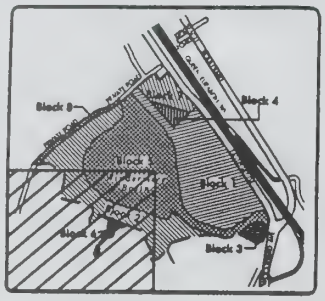
Block 5 — Change in Zoning from "L–s" (Planned Development – Special Study Area) District to "F–2" (Open Water) District.

Block 6 — Change in Zoning from "L–s" (Planned Development – Special Study Area) District to "K"–"H" (Heavy Industrial, etc – Holding) District Modified

Block 7 — Further Modification to the "F–4" (Special Waterfront Services) District Regulations.

Block 8 — Change in Zoning from "L–s" (Planned Development – Special Study Area) District to "A"–"H" (Conservation, Open Space, Parkland recreation – Holding) District Modified.

| North | Scale | Reference File No. |
|---|---|---|
| | NOT TO SCALE | CI-98-C |
| | Date | Drawn By |
| | Sept., 2000 | L.M. |




# Block 5

## Windermere Basin

N50°42'24"W 77.519
N15°33'25"E 28.944
N13°00'34"E 30.702
N10°46'44"E 30.997
N6°10'10"E 22.341
N71°54'52"W 48.725
N66°10'41"W 143.181
N4°28'40"E 17.974
N4°50'25"E 26.435
N49°57'50"W 42.813
N22°13'20"E 69.138
N35°51'35"E 51.873
N27°23'35"E 63.547
N73°30'20"W 294.559
N53°16'50"W 23.226
N00°41'30"E 29.590
N18°17'50"W 49.320
N01°24'40"E 51.496
N51°38'20"W 21.883
N34°31'20"E 29.785
N78°04'55"E 39.066
N63°36'20"E 5.602
N63°36'20"E 32.208
N43°10'10"E 51.651
N64°12'20"E 72.484
N53°48'10"E 46.415

# Block 2

# Block 6

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Passed the ..... day of ....., 00.

Clerk Mayor

Mayor

City of Hamilton

# Schedule "A"

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to Amend By-Law No. 6593

Community Planning and Development Division

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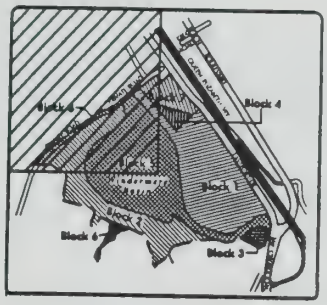
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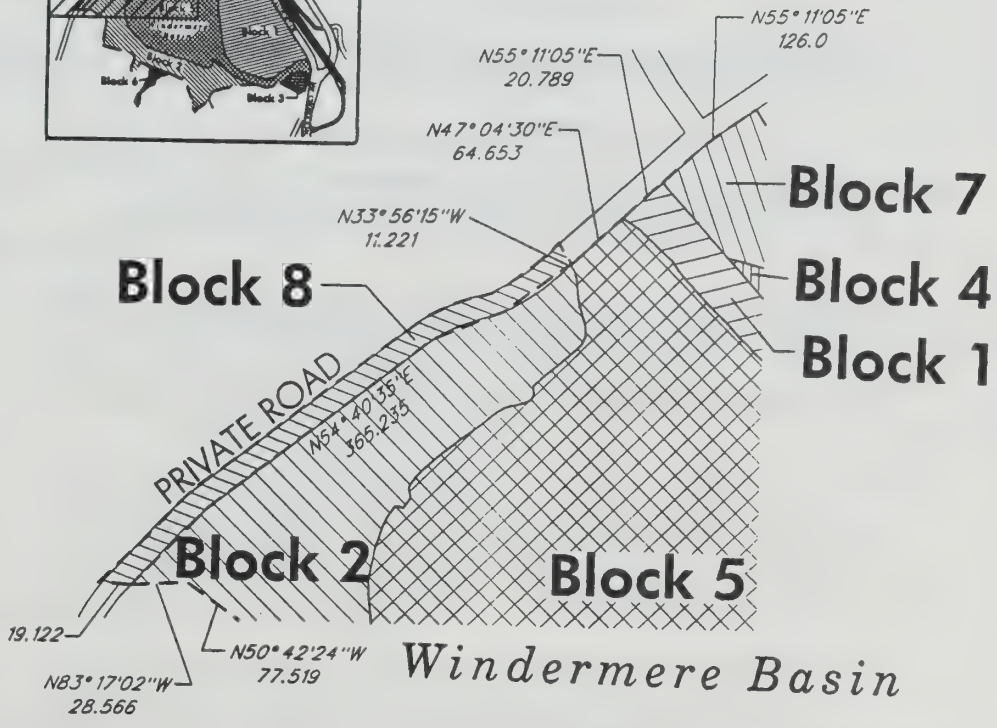
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| North | Scale | Reference File No. |
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City of Hamilton

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Community Planning and Development Division

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| North | Scale | Reference File No. |
|---|---|---|
| | NOT TO SCALE | CI-98-C |
| | Date | Drawn By |
| | Sept., 2000 | L.M. |

Bill No. C-066

The Corporation of the City of Hamilton

BY-LAW NO. 00 —

To Extend By-law No. 99-160

Respecting:

Land within the "Wellington Estates, Phase 1" Subdivision, Plan 62M-885
and "Allison Estates, Phase 4" Subdivision, Plan 62M-823
from Part Lot Control

**WHEREAS** subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

**AND WHEREAS** the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

**AND WHEREAS** the Council of the Corporation of the City of Hamilton enacted By-law No. 99-160 on November 9, 1999 to remove the lands described in section 1 thereof from part lot control, which expires on November 1, 2000;

**AND WHEREAS** a request has been made for an extension of the time period specified for the expiration of By-law No. 99-160, as it relates to Lots 1 – 6, inclusive, Lots 12 – 16, inclusive and Blocks 25 – 28, inclusive, Registered Plan 62M-885 and Blocks 19 – 21, Registered Plan 62M-823;

**AND WHEREAS** approval under Subsection (7.1) of the Planning Act is not required for an extension in accordance with Subsection (7.4) of the Planning Act;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 99-160, is hereby repealed and the following substituted therefor:

> "(c) Other than Lots 1 – 6, inclusive, Lots 12 – 16, inclusive and Blocks 25 – 28, inclusive, Registered Plan 62M-885, this By-law shall no longer be of any force and effect. As it relates to Lots 1 – 6, inclusive, Lots 12 – 16, inclusive and Blocks 25 – 28, inclusive, Registered Plan 62M-885, this By-law expires on November 1, 2001."

2. In all other respects, By-law No. 99-160, is hereby confirmed, unchanged.

3. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 99-160.

**PASSED** this day of September A.D. 2000.

ACTING MUNCIPAL CLERK

MAYOR

839891 Ontario Inc., owner,
PLC-99-07

Bill No. C-067

The Corporation of the City of Hamilton

BY-LAW NO. 00 —

To Extend By-law No. 98-226, as amended by By-law No. 99-130

Respecting:

Land within the "Wisemount Estates, Phase 9" Subdivision, Plan 62M-836 from Part Lot Control

**WHEREAS** subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

**AND WHEREAS** the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

**AND WHEREAS** the Council of the Corporation of the City of Hamilton enacted By-law No. 98-226 on September 8, 1998 to remove the lands described in section 1 thereof from part lot control, which expired on September 15, 1999;

**AND WHEREAS** the Council of the Corporation of the City of Hamilton enacted By-law No. 99-130 on September 7, 1999 to extend the time period specified for the expiration of By-law No. 98-226 to October 1, 2000;

**AND WHEREAS** a request has been made for an extension of the time period specified for the expiration of By-law No. 98-226, as amended by By-law No. 99-130, as it relates to Lots 15 – 21, inclusive, Registered Plan 62M-836 only;

**AND WHEREAS** approval under Subsection (7.1) of the Planning Act is not required for an extension in accordance with Subsection (7.4) of the Planning Act;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 98-226, as amended by By-law No. 99-130, is hereby repealed and the following substituted therefor:

"(c) Other than Lots 15 - 21, inclusive, Registered Plan 62M-836 "Wisemount Estates, Phase 9", this By-law shall no longer be of any force and effect. As it relates to Lots 15 -21, Registered Plan 62M-836, this By-law expires on October 1, 2001."

2. In all other respects, By-law No. 98-226, as amended by By-law No. 99-130, is hereby confirmed, unchanged.

3. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 98-226.

**PASSED** this day of September A.D. 2000.

ACTING MUNCIPAL CLERK

MAYOR

822827 Ontario Inc., Owner
PLC-98-07

URBAN MUNICIPAL

CA4 ON HBL
A31
2000

# AGENDA

URBAN MUNICIPAL

OCT 11 2000

GOVERNMENT DOCUMENTS

## CITY OF HAMILTON
## CITY COUNCIL

*(available online at www.city.hamilton.on.ca./hccnet)*

**Tuesday, October 10, 2000**
**7:30 p.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

**Kevin C. Christenson,**
**Acting Municipal Clerk**

***Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.***

**CALL TO ORDER**

**1. NATIONAL ANTHEM.**

**2. OPENING PRAYER:** Reverend Pearl Joseph
National Evangelical Baptist Faith

**3. PRESENTATIONS**

**3.1** 2000 Hamilton Beautification Awards

**3.2** St. Peter's Hospital 110th Anniversary
Mr. Grant Walsh, President & CEO

**3.3** International Brotherhood of Electrical Workers 100th Anniversary
Mr. Joseph Beattie, Business Manager, Local Union 105

**4. ADOPTION OF THE MINUTES OF THE COUNCIL MEETINGS HELD:**

**4.1 September 15, 2000 (special); and,**
**4.2 September 26, 2000 (regular)**

**5. CORRESPONDENCE.**

6. REPORTS OF THE STANDING COMMITTEES:

   6.1 Transport and Environment Comm. – Report 14-00
   6.2 Parks and Recreation Committee – Report 09-00
   6.3 Planning and Development Committee – Report 15-00
   6.4 Finance and Administration Committee – Report 15-00
   6.5 His Worship Mayor R. M. Morrow – Report 02-00

7. NOTICE OF MOTION FROM PREVIOUS MEETING – ALD. C. COLLINS

8. NOTICE OF MOTION FOR NEXT MEETING.

9. QUESTION PERIOD.

10. ADJOURNMENT.

# MINUTES

4.1

# MINUTES

## CITY OF HAMILTON
## COMMITTEE OF THE WHOLE\CITY COUNCIL

**Friday, September 15, 2000**
**9:00 a.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

---

**Present**: Mayor R. M. Morrow;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, D. Wilson, C. Collins, F. Eisenberger, B. Charters, T. Jackson, B. Kelly, D. O'Sullivan

**Regrets:** Alderman B. Morelli – Funeral
Alderman D. Haining – Other business
Alderman G. Copps – Sick
Alderman T. Anderson – Regional Business
Alderman F. D'Amico – Civic business

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider a resolution respecting the Rennie Street Landfill Site and the Voluntary Retirement Programme/Voluntary Exit Programme and Confirming By-law with Mayor Morrow in the chair.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Wilson, Eisenberger, Collins, Charters, Jackson, Kelly, O'Sullivan. –12.

**NAYS:** -0. **CARRIED.**

* * * * * * * * * * * * * * * *

It was moved by Alderman Collins and seconded by Alderman Charters that Council move in-camera to discuss the Rennie Street Landfill Site. **CARRIED.**

* * * * * * * * * * * * * * *

Council moved back into open session and approved the following:

**Re: Rennie Street Landfill Site – Funding $9.9 Million**

(a) That the City of Hamilton commit the balance of the funding ($9.9 million) required to complete the remedial plan for the Closed Rennie Street Landfill as outlined in PWT00102 Report to the Transport & Environment Committee and approved by City Council on May 2/00.

(b) That this phase of the project be deemed to be a Time Sensitive project pursuant to Purchasing Policy No. 5, and that the Acting City Manager and the Mayor be authorized to execute any documents, purchase orders, requisitions or contracts necessary to proceed with the initial phase of the project, to an upset limit of $11 million; and

(c) That the Finance and Administration Committee recommend a method of financing these costs.

(d) That this report be forwarded to the Transition Board for approval.**CARRIED.**

* * * * * * * * * * * * * * * *

**Rennie Street Landfill Remediation (FIN00100)**

(a) That the amount of $9.9 million for the Environmental Remediation of the Rennie Street Landfill site be funded in the 2001 Capital Budget.

(b) That this Report be forwarded to the Transition Board for approval.
**CARRIED.**

* * * * * * * * * * * * * * * *

It was moved by Alderman by Alderman Caplan and seconded by Alderman Corsini:

**Rennie Street Landfill – Charges against the City (LS-00017)**

(a) That the actions and recommendations contained in Report LS-00017, be approved; and,

(b) That the Transition Board be requested to provide any required approvals regarding these actions and recommendations; and,

(c) That Report LS-00017 be made public immediately following the City's appearance in Court on Monday, September 18, 2000.

**Recorded vote** on sub-section (a) clause (3)

**Yeas:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Wilson, Collins, Kelly. –8.

**Nays:** Aldermen Eisenberger, Charters, Jackson, D'Amico. –4.**CARRIED.**

## RESOLUTIONS

**Re: Voluntary Early Retirement Programme\Voluntary Early Exit Programme**

It was moved by Alderman Kiss and seconded by Alderman Caplan that correspondence respecting the Voluntary Retirement Programme/Voluntary Exit Programme received from the Transition Board dated September 13, 2000 attached herewith, be referred to City Staff for a report back on a better and more equitable Programme with the following instructions:

(a) That a projection be compiled of anticipated staff take up of the Programme and the impact of the Corporation; and,

(b) That the Transition Board be requested to revisit the Voluntary Exit Programme with a view to enhance the Programme to better reflect the value of staff.

**CARRIED.**

* * * * * * * * * * * * * * *

Council moved in-camera to discuss a harbour update from Alderman B. Charters

* * * * * * * * * * * * * * *

It was moved by Alderman Caplan and seconded by Alderman Horwath that Council reconvene in open session. **CARRIED.**

* * * * * * * * * * * * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Resolutions and By-law respecting the Rennie Street Landfill Site and the Voluntary Retirement Programme/Voluntary Exit Programme and Confirming By-law, be adopted.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsinii, Wilson, Eisenberger, Collins, Charters, Jackson, Kelly, O'Sullivan – 12.

**NAYS:** -0. **CARRIED.**

* * * * * * * * * * * * * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bill be signed, sealed and enrolled as a By-law:

D-038 Being a By-law to Confirm the proceedings of the Council of the Corporation of the City of Hamilton. **CARRIED.**

**Note: The meeting adjourned at 11:30 a.m.**

**Taken as read and approved,**

**Mayor R. M. Morrow**

**K. C. Christenson, Acting Municipal Clerk**
**September 15, 2000**

**KCC/dg**

4.2

# MINUTES

## CITY OF HAMILTON
## CITY COUNCIL

**Tuesday, September 26, 2000**
**7:45 p.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

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**Present**: Mayor R. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli, D. Haining, G. Copps, D. Wilson, C. Collins, F. Eisenberger, T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Mayor R. M. Morrow called the meeting to order.

The National Anthem was played.

Reverend W. Glenn Empey, Chaplain, Community and Business Development, Hamilton Health Sciences Corporation, led Council in prayer.

## PRESENTATIONS

Ms. B. Austin and Mr. G. Kristiansen presented Mayor Morrow with a plaque on behalf of Lakeland Family Pool Association.

Ms. Hanham and Mr. Wong spoke to Council about the Brain Tumor Foundation of Canada and indicated that October is Brain Tumor Month.

Mayor Morrow presented the Senior of the Year Award to Mr. Jack Mallon. Mr. Mallon has been a volunteer in Hamilton for fourty years

Mayor Morrow recognized the Box 43 Association for their 50th Anniversary. Box 43 provides canteen services to the firefighters of Hamilton. Fire Chief Peace presented a helmet to the Box 43 Association in recognition of their Anniversary.

## ADOPTION OF MINUTES

The Minutes of the meetings held August 30 and September 6, 2000 were adopted as circulated.

## CORRESPONDENCE

1. Letter dated September 14, 2000 from Marvin Ryder, Chair, Transition Board for the new City of Hamilton respecting a draft Coat of Arms, Badge and Flag.

   **Referred to Committee of the Whole.**

2. Application dated August 30, 2000 from Tarbutt Construction Ltd., for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified for Block "1" and a modification to the established "H" (Community Shopping and Commercial, etc.) District for Block "2" for the property at 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North, and 8 Harrison Avenue, Hamilton, Ontario.

   **Received**.

3. Application dated September 6, 2000 from D.M. Industries Inc. for a further modification to the established "KK" (Restricted Heavy Industrial) District to permit a Bingo Hall for property at 398 Kenora Avenue, Hamilton, Ontario.

   **Received**.

4. Letter dated September 25, 2000 from John Spears, Chair, Cancer Care Ontario – Central West Region regarding the Smoking By-law.

   **Received.**

* * * * * * * * * * * * * * * * * * * * * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, and the Planning and Development Committee, be now considered in Committee of the Whole with Alderman Anderson in the chair.

**Recorded vote**.

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –17.

**NAYS:** -0.

**CARRIED.**

## TRANSPORT AND ENVIRONMENT COMMITTEE – REPORT 13-00

**Section 3 Re: Conflict of Interest – Proposed Outdoor Boulevard Café – 164 James Street South**

Alderman Horwath declared personal interest in, took no part in the debate and refrained from voting on this matter as her husband is the operator of the restaurant.

## PLANNING AND DEVELOPMENT COMMITTEE – REPORT 14-00

**Section 4 (B) Official Plan Amendment and City Initiative 98-C for Windermere Basin**

It was moved by Alderman D'Amico and seconded by Alderman Copps that Section (4) (B) of the Fourteenth Report of the Planning and Development Committee be deleted in its entirety and replaced with the following:

(a) That Section 4(B) be amended to delete reference to Block "9" being rezoned from "L-s" (Planned Development – Special Study) District to "K" (Heavy Industry, etc. – Holding) District and add reference to rezone Block "9" from "L-s" (Planned Development – Special Study) District to "A" (Conservation, Open Space, Park and Recreation – Holding) District in accordance with Section 4(B)(c); and,

(b) That Appendix "D" contained in the Fourteenth Report of the Planning and Development Committee be deleted in its entirety and replaced with the attached revised Appendix "D"; and,

(c) That sub-section (e) of Section 10 of the Fourteenth Report of the Planning and Development Committee be deleted in its entirety and replaced with the following Bill C-065: A By-law to Amend Zoning By-law No. 6593 Respecting Lands located west of Eastport Drive, South of Pier 25 known as Windermere Basin. **CARRIED.**

***************

**Section 5 Re: Zoning Application 00-01 – 1242324 Ontario Inc.**

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –14.

**NAYS:** Alderman Kiss –1. **CARRIED.**

* * * * * * * * * * * * * * *

**Section 10 (h) Re: Bill C-068: By-law to Confirm the Proceedings of Council**

It was moved by Alderman D'Amico and seconded by Alderman Copps that the following be added as sub-section (h) to Section 10 of the Fourteenth Report of the Planning and Development Committee:

(h) Bill C-068: A By-law to confirm the proceedings of the Council of the Corporation of the City of Hamilton. **CARRIED.**

* * * * * * * * * * * * * * *

**Rule No. 9 Re: Proposed Agreement for the Auchmar Buchanan Estate**

It was moved by Alderman D'Amico and seconded by Alderman Copps that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Auchmar Buchanan Estate.

**CARRIED.**

* * * * * * * * * * * * *

**Section 11 Re: Proposed Agreement for the Auchmar Buchanan Estate**

It was moved by Alderman D'Amico and seconded by Alderman Copps that the following be added as Section 11 to Report 14-00 of the Planning and Development Committee:

**11. Proposed Agreement for the Auchmar Buchanan Estate (PDC99098(E))**

(a) That the Agreement of Purchase and Sale, duly executed on June 18, 1999, by the purchaser, 1333786 Ontario Ltd., and the vendor, Cervarano Developments Ltd. and V & R Investments Inc., which agreement was assumed by the City of Hamilton on October 22, 1999, for the lands known as Part Lot 15, Concession 4, former Barton Township, City of Hamilton and consisting of approximately 3.55 acres, be amended by further extending the closing date of this transaction

from September 28, 2000 to on or before November 3, 2000. All other terms and conditions contained in the Agreement of Purchase and Sale to remain the same and that time remains of the essence.

(b) That the date for entering into an Agreement for the entire Auchmar property, as approved by the Planning and Development Committee at its meeting on May 18, 2000, be further extended from September 22, 2000 to on or before November 1, 2000. All other terms and conditions contained in the May 18, 2000 recommendation to remain the same and that time remains of the essence.

(c) That Corporate Counsel be authorized and directed to take the appropriate action in dealing with this matter. **CARRIED.**

## RESOLUTION

It was moved by Alderman Anderson and seconded by Alderman Jackson:

(a) That the Transition Board and area municipalities be advised that the City of Hamilton does not support the draft Coat of Arms, Badge and Flag, attached herewith as Schedule "A"; and,

(b) That an extension of time be made by the Transition Board to allow the City to meet and receive public input and provide suggestions on changes to the Coat of Arms, Badge and Flag for the new City of Hamilton; and,

(c) That Ross Fair, General Manager, Community Services co-ordinate this review, consultation and report back; and,

(d) That the final decision for these insignia rest with the Council of the new City of Hamilton.

**CARRIED.**

## ACTING MAYOR FOR THE MONTH OF OCTOBER, 2000

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman A. Horwath be appointed Acting Mayor for the month of October, 2000.

**CARRIED.**

## NOTICE OF MOTION FOR NEXT MEETING

Alderman Collins gave notice that he would move at the next regular meeting of City Council the following motion with respect to free on-street parking in the downtown core:

(a) That free on-street parking in the downtown core (500 metered parking spaces in the area bounded by Bay, York/Wilson, Wellington and Jackson) be offered and that the Finance and Administration Committee be requested to recommend a method of financing the lost revenues (approximately $45,000); and,

(b) That on-street parking in the downtown core be limited to 2 hours from 8:00 am to 6:00 p.m., Monday to Saturday; and,

(c) That the City Traffic By-law No. 89-072 be amended accordingly; and,

(d) That the Regional Council be requested to amend the Regional Traffic By-law R89-038; and,

(e) That staff report back, after consultation with various stakeholders such as the International Village and Downtown B.I.A.'s with the results of the experiment.

* * * * * * * * * * * * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, and resolutions, be adopted.

**Recorded vote.**

**YEAS:** Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –17.

**NAYS:** -0. **CARRIED.**

Note: The meeting adjourned at 9:20 p.m.

**Taken as read and approved,**

**MAYOR R. M. MORROW**
**CHAIRMAN**

**K. C. Christenson, Acting Municipal Clerk**
**September 26, 2000**

**KCC/dg**

# CORRESPONDENCE

Correspondence
City Council Meeting
October 10, 2000

1. Letter dated September 22, 2000 from Sharon Vize, Deputy Clerk for the Town of Ancaster respecting a resolution on the Hamilton-Wentworth District School Board's Decision to Reduce School Busing.

   **Recommendation: Be Received.**

2. Letter dated October 5, 2000 from the Acting Municipal Clerk referring an item respecting Enterprise Zones from Regional Council to City Council.

   **Recommendation: Be Referred to the Planning and Development Committee**.

# TOWN OF ANCASTER

300 Wilson Street East, Ancaster, Ontario L9G 2B9, General Inquiry (905) 648-4475, Fax (905) 648-3557
**CLERK-TREASURY DEPARTMENT** **CLERK'S OFFICE: 648-4611**
**TREASURY: 648-4455**

1.

September 22, 2000

The Honourable Michael Harris
Premier of Ontario
Legislative Building
Queen's Park
Toronto, Ontario M7A 1A1

Dear Premier Harris:

**Re: Resolution – Hamilton-Wentworth District School Board's Decision to Reduce School Busing**

Please be advised that the Council of the Corporation of the Town of Ancaster at its 18th Committee of the Whole meeting of Council held on Monday, September 11th, 2000 approved the attached resolution regarding the Hamilton-Wentworth District School Board's Decision to Reduce School Busing.

Your consideration to this resolution is respectfully requested.

Yours very truly,

Sharon Vize

Sharon Vize
Deputy Clerk

:sv
att.

c.c.: The Honourable Janet L. Ecker, Minister of Education
Mr. Merv McTier, Hamilton-Wentworth District School Board
Mr. Bruce Wallace, School Trustee, Hamilton-Wentworth District School Board
Mr. Ted McMeekin, M.P.P. – Ancaster, Dundas, Flamborough, Aldershot
Mayor R. Wade
Councillor B. Kent
Area Municipalities

# TOWN OF ANCASTER

300 Wilson Street East, Ancaster, Ontario L9G 2B9, General Inquiry (905) 648-4475, Fax (905) 648-3557


## COUNCIL RESOLUTION

Moved by Councillor Kent
Seconded by Mayor Wade

**WHEREAS** the decision of the Hamilton-Wentworth District School Board to reduce busing has exposed our children to unnecessary, know safety risks, and

**WHEREAS** this decision was apparently made without adequate opportunity for parents to provide proper input, and

**WHEREAS** as a result of this action, the Hamilton Wentworth District School Board has downloaded responsibility to local municipalities without due notice and without the opportunity to consider the financial impact/liability, and left the municipality unable to respond in time to effectively address the systemic problems created, and

**WHEREAS** there is no defined mechanism to appeal any of the Board's decisions.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Ancaster, on behalf of the parents within this community, insists that the Hamilton-Wentworth District School Board reinstate busing to the 1999-2000 level, and

**FURTHER THAT** in the event that the School Board does not re-instate the busing, the Minister of Education intervene immediately by

- Conducting a full and thorough financial and operational audit of the School Board to validate their decision and decision-making process, or by
- providing adequate funding to allow for the reinstatement of the busing program with due consideration to Section 190 of the Education Act as it deals with the issue of safety for school children, and

**FURTHER THAT** copies of this resolution be forwarded to the Premier, the Minister of Education, area M.P.P.'s for their consideration and area municipalities for their support.

**CARRIED.**

**DEPUTY-CLERK'S CERTIFICATE**

I, Sharon Vize, of the Corporation of the Town of Ancaster in the Regional Municipality of Hamilton-Wentworth, do hereby certify that this is a true copy of a resolution that was adopted by Council at the Eighteenth Committee of the Whole Meeting of Council held the 11th day of September, 2000.

Sharon Vize
Deputy-Clerk

CITY OF HAMILTON AND
REGION OF
HAMILTON-WENTWORTH

**Corporate Services**
**Office of the Municipal Clerk**
Telephone (905) 540-5587
Facsimile (905) 546-2095
E-mail: clerk@hamilton-went.on.ca

2.

October 5, 2000

Mayor R. M. Morrow and Members of City Council:

**Re: Referral from Regional Council respecting Enterprise Zones**

Subjoined for the information of City Council is Section 1 of Report 06-00 of the Economic Development and Tourism Committee respecting Enterprise Zones as adopted by Regional Council at its meeting held October 3, 2000.

As referenced in subsection (f), Regional Council approved that Report PDR00139 be referred to the City of Hamilton Council to direct the Planning and Development Committee to convene a public meeting to receive input on the creation of an Enterprise Zone under the Community Improvement Plan for the areas defined by the Downtown Business Improvement Area and the International Village Business Improvement Area.

1. **Enterprise Zones (PDR00139)** (Item 4)

(a) That Staff be authorized and directed to implement the Downtown Enterprise Zone Criteria/Incentives detailed in the Analysis Section of Report PDR00139 as follows:

**Analysis**

The Enterprise Zone, details of which are identified in Appendix "A" attached hereto, has been successfully used in the United States (USA) and the United Kingdom (UK) and, as a result, Staff has modelled this section under their experiences, recognizing that legal statutes are different in these jurisdictions versus Ontario.

The Enterprise Zone is intended to create jobs and opportunities in the most economically distressed areas of inner cities and it targets tax incentives, loans, etc. to these areas to assist in the revitalization. The following criteria, incentives, measurements and process are proposed:

Criteria:

1. That the areas defined by the Downtown and International Village Business Improvement Areas, as identified in Appendices "B" and "C" attached hereto, be the pilot project test area;

2. For a proposal to qualify it must have at least a 50% annualized vacancy rate commercial/residential);

3. Proposals for re-development cannot have a total gross floor area of greater than 30,000 sq. ft. in. Additions to the structure can exceed 30,000 sq. ft. in total area;

4. To stimulate new development and reduce the number of vacant sites, all parking lots and vacant sites are included; and,

5. All hotels and motels that have an annualised occupancy of less that 50% would qualify.

The criteria have been established after extensive consultation with the two (2) Business Improvement Areas and Municipal Staff and Provincial input from Ministries of Finance and Municipal Affairs and Housing.

Incentives

1. Tax assessment increase resulting from improvements to any of the qualifying projects will be waived for a period of five years. The loss of tax revenue would be recaptured among all tax classes in the community;

2. New development or re-development would be assessed at current market value;

3. The tax waiving incentive for a five year period would apply to the educational component. This revenue loss to the School Boards would be replaced by an annual Provincial grant;

4. The current Council approved 'No Fee Policy' would remain in effect for five (5) years;

5. GST and PST would not be applicable on goods and services provided to qualifying projects; and,

6. The Enterprise Zone would remain in effect for five (5) years but be subject to annual review based on benchmarks and performance measurements.

(b) That the Province be requested to allow greater local tax setting latitude, including the full or partial elimination of clawback contributions to the capping program, for lands within the Enterprise Zone and property tax classes; and,

(c) That the Province be requested to amend legislation and/or regulations to allow the financing arrangements for the capping program to be made more flexible, such that the clawback contributions indicated in recommendation (b) be recaptured over the entire tax assessment base of the New City of Hamilton; and,

(d) That the Province be requested to provide a grant equivalent to the revenue loss to the New City of Hamilton on the tax generated by the incremental assessment for the five year waiver period; and,

(e) That Report PDR00139 be referred to the New City of Hamilton Council for consideration of the taxation implications in the preparation and formulation of taxation policy for 2001; and,

(f) That Report PDR00139 be referred to the City of Hamilton Council to direct the Planning and Development Committee to convene a public meeting to receive input on the creation of an Enterprise Zone under the Community Improvement Plan for the areas defined by the Downtown Business Improvement Area and the International Village Business Improvement Area; and,

(g) That the cost of the program plus the administration, based on the uptake, be identified at year end and segregated for reimbursement by spreading out the revenue loss among the entire tax assessment base in the New City of Hamilton for any portion not covered by a grant from the Province as set out in recommendation (d); and,

(h) That Staff be authorized and directed to approach the Ministry of Finance and the Ministry of Municipal Affairs and Housing regarding the tax implications to the School Boards generated by this proposed pilot program and that any revenue loss to the School Boards be met by an annual grant from the Ministry of Finance; and,

(i) That Staff be authorized and directed to approach the Federal Ministry of Finance – GST Division and the Provincial Treasury – PST Division for the exemption/rebate of such tax on all goods and services related to new and/or incremental development in the area defined by the Enterprise Zone; and,

(j) That Report PDR00139 be forwarded to the Transition Board for endorsement and for consideration as part of the 2001 budget process; and,

(k) That the Director, Economic Development Department, be directed to make Enterprise Zones a priority in his Departmental Workplan and provide monthly updates to the Economic Development and Tourism Committee.

Report PDR00139 is also attached.

Kindly ensure that appropriate action is taken with respect to this matter.

Yours truly,

Kevin C. Christenson
Acting Municipal Clerk

attachment

cc L. A. Coveyduck, General Manager, Community Planning and Development Division
N. Catalano, Director, Economic Development Department
T. Bradbury, Acting General Manager, Finance
T. Agnello, Secretary, Planning and Development Committee

Appendix "A" as referred to in
Section 1(a) of Report 06-00 of the
Economic Development and Tourism Committee
for September 25, 2000

# GREATER HAMILTON DOWNTOWN REVITALIZATION

## ENTERPRISE ZONES

Community image is typically exemplified by the vibrancy of its downtown core. It is the first impression visitors, travellers, business leaders notice when coming into a community. The downtown says a lot about a community but it primarily identifies and recognizes that the downtown core is the heart of the community and that heart must always be kept strong.

Urban sprawl has had a significant detrimental affect on many North American cities. The migration of residential, commercial and recreational endeavours have slowly permeated to the fringes of the community. This is well exemplified by the advent of urban malls that have literally sucked the retail life out of many downtown cores and changed a whole generation of shopping, travel, entertainment and destination patterns.

Communities that recognize this transformation have put in place significant redevelopment initiatives and incentives to recapture and revitalize the heart of the community. Major initiatives and projects throughout North America (Baltimore, Boston, Pittsburgh, Cleveland etc. and Canadian counterparts such as Toronto, Montreal, Vancouver etc.) have recognized that it will take significant efforts on the part of government and business to reverse this trend, re-affirm the market position of the CORE and address cost competitive factors.

**ENTERPRISE ZONES ARE MEANT TO PROVIDE THE MECHANISM TO FACILITATE THESE OBJECTIVES.**

# UNITED STATES

## ENTERPRISE ZONES

## WHAT ARE THEY?

### WHAT IS AN ENTERPRISE ZONE (EZ)

- an economic development initiative founded in the United States and now also in practise in the United Kingdom. In the U.S., it is used to combat inner city problems such as; concentrated poverty, increasing crime, an exodus of jobs, declining schools, middle-class flight, and a deteriorating tax base

- the enterprise zone targets tax incentives, performance grants, and loans to designated geographic areas in or near the core of a city/urban area. It also focuses on activities to support people looking for work, job training, child care and transportation.

- its purpose is to create jobs and opportunities in the most economically distressed areas of inner cities and it is a program in which communities drive the decision making process regarding its implementation.

### HOW IT BEGAN

- in 1992 the civil disturbances in Los Angeles were cited by many as the catalyst for the U.S. Congress to pass the Federal Enterprise Zone program a year later

- in 1993, the U.S. Senate approved the Omnibus Budget Reconciliation Act which saw Enterprise Zones enacted as federal legislation and HUD (the Department of Housing and Urban Development) assuming the lead role

- in December 1994, President Clinton designated 72 urban areas in the U.S. as “enterprise zones”

- individual states were provided a vehicle through federal legislation that enabled them to create and designate enterprise zones within eligible communities

## HOW IT WORKS

- a specific time limit for the life of an enterprise zone is established anywhere from a minimum of 5 years to a maximum of 20 years

- the enterprise zone must be re-approved on an annual basis to ensure compliance with the Act

- the EZ is designated on a geographic basis (i.e. a % of the entire area or specific boundaries – similar to a Community Improvement Plan)

- the U.S - EZ must meet established eligibility criteria, which may include:

- a 150% rate above the state's quoted annual unemployment rate (i.e. 6% for the EZ if the state rate is 4%)

- a loss in population greater than 10% in the last 10 years

- at least 20% of the population must be economically disadvantaged

- at least 15% of the residents of the area must earn less than the average wage in the state

## HAMILTON

## CORE REVITALIZATION – WHY

Downtowns in major metropolitan centres traditionally contain:

1) significant and historical building stock
2) proximity to city centre facilities
3) entertainment centres
4) cultural venues and events
5) commercial centre
6) transportation network
7) the centre of government
8) the centre of major institutions

With this significant and solid foundation, can we solely blame shifts in demographic patterns or is it also attributable to the structural inequities-taxes, parking, safety, lighting, climate control etc., that have contributed to the transformation.

The implementation of an ENTERPRISE ZONE, detailed in the following pages, will contribute to a healthy economy, a vibrant core, increased tax assessment, investment, employment, tourism opportunities, preservation of historically significant structures and create a community in the downtown core that people will call home as a place to live, work, visit and be entertained.

## UNITED STATES

## WHAT TYPE OF INCENTIVES ARE USED

Nation-wide, EZs have received over $1.5 billion of performance grants and more than $2.5 billion in tax incentives. Cleveland, for example, received a grant of $90 million (U.S.) for their EZ

In the U.S. incentives can vary from state to state but, the most common include:

- direct tax incentives (a prescribed % decrease of the current taxes)
- complete waiver of property taxes for a specific period of time
- refund of taxes paid on various utilities including: gas, electricity, water and sewer
- a tax credit based on the number of jobs created ($3,000 per employee)
- waiver of all incremental taxes based on the improvement to a qualifying property for a specific period of time
- any qualifying properties in the EZ are automatically eligible for all Brownfields and Tax Incentives Programs at both the federal and state levels
- funds available to EZs at the community level (i.e. the Cleveland example) can be used for the construction of public facilities and improvements to the infrastructure (sewer, water, roads, etc.) in the designated areas
- in the U.K. (i.e. North Nottinghamshire), EZs offer 1) exemptions from the uniform business tax for up to 10 years, and 2) 100% tax allowances for capital expenditures on buildings

## ADVANTAGES OF AN ENTERPRISE ZONE

- the EZ provides a framework to pull together a range of economic development tools to revitalise a specific geographic area
- they meet a wide range of economic goals
- job creation and retention
- reversal of disinvestment
- generation of new tax revenues
- neighbourhood and environmental improvement
- quality of life improvement
- they encourage business development by reducing the costs of doing business

## DOWNSIDE OF AN ENTERPRISE ZONE

- are the costs of the incentives and tax relief greater than the local benefits
- does it create a competitive advantage for one area or sector versus another
- how is the boundary of the zone equitably established and who makes that decision
- is the life span of the zone designation sufficient to get a return for the incentives & tax relief
- will it be sustainable development
- who bears the cost of the administration – the municipality?

## A U.S. EXAMPLE: SANTA ANA, CALIFORNIA

- in 1993 the City of Santa Ana (capital of Orange County) was designated as an enterprise zone by the state
- they immediately instituted a number of programs including
- a sales and use tax credit (for the purchase of machinery)
- hiring credits (reduction of state income tax)
- business expense deduction (purchase of property)
- net operating loss carryover
- net interest deductions for lenders
- manufacturers investment tax credit

**RESULTS:**

- extremely successful and won the national award for EZ excellence
- significantly raised the per capita income and lowered the unemployment & poverty rates dramatically in the city
- attracted several major employers to the city (the EZ) including; ITT Cannon, EMI and GT Bicycles

## HAMILTON

## STRUCTURAL DIFFICULTIES

In this analysis we have tried to recognize that one, if not the primary reason for the migration of businesses to the suburbs, has been the structural inequities that exists in the property tax system. Downtown has traditionally garnered the highest property values as they were seen to be the centre of commerce and revenue generation. When the Provincial government introduced Current Value Assessment, property taxes in the defined area of the two designated BIA dropped significantly. Property tax decreases were common in the 20 to 30% range, which were more reflective of current market value assessment and as such created a competitive/fair process throughout the New City of Hamilton.

The community, in conjunction with the local Chamber of Commerce, the business sector, the residents and elected officials took advantage and utilized all of the tools that were available, under then existing legislation, to implement a tax fairness system throughout the community. It is a compliment that so many players representing many diverse and varied interests came together to recognize the value of a vibrant downtown core.

Unfortunately with the Provincial capping of 5, 5 and 10, years of hard work and effort were laid to rest. The savings did not materialize, the taxing inequities continued and/or were protracted in their implementation schedule, complaints were and continue to be numerous throughout the downtown core. The intent of current value assessment was compromised.

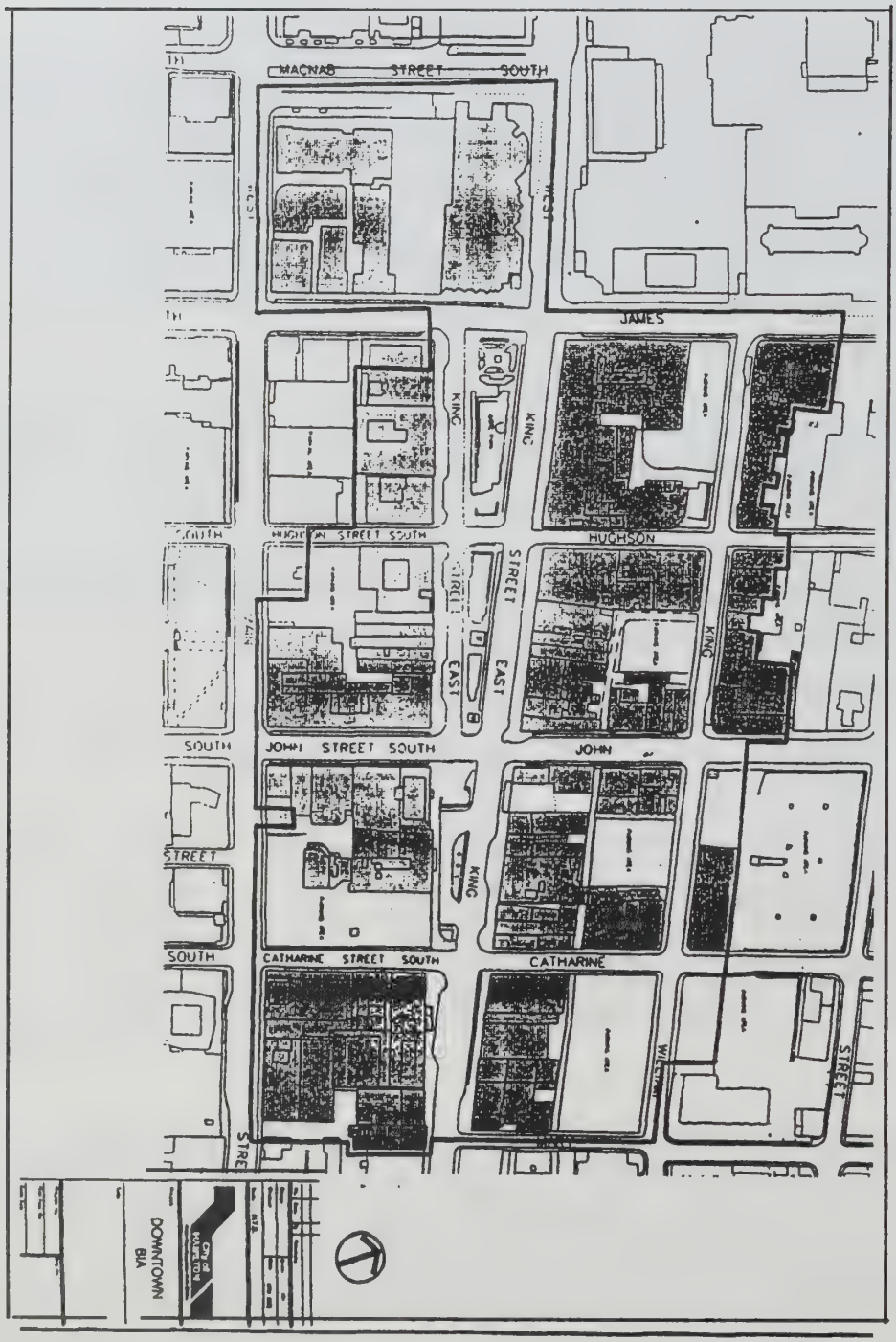
The pilot project that we are asking the Provincial Government to consider is to recognize these inequities and allow a community that has made a business, residential and political decision to move forward and revitalize its core. We recognize that a pilot project will have to undergo scrutiny and modification but it is an initial step towards remedying some of the existing inequities.

## CONCLUSION

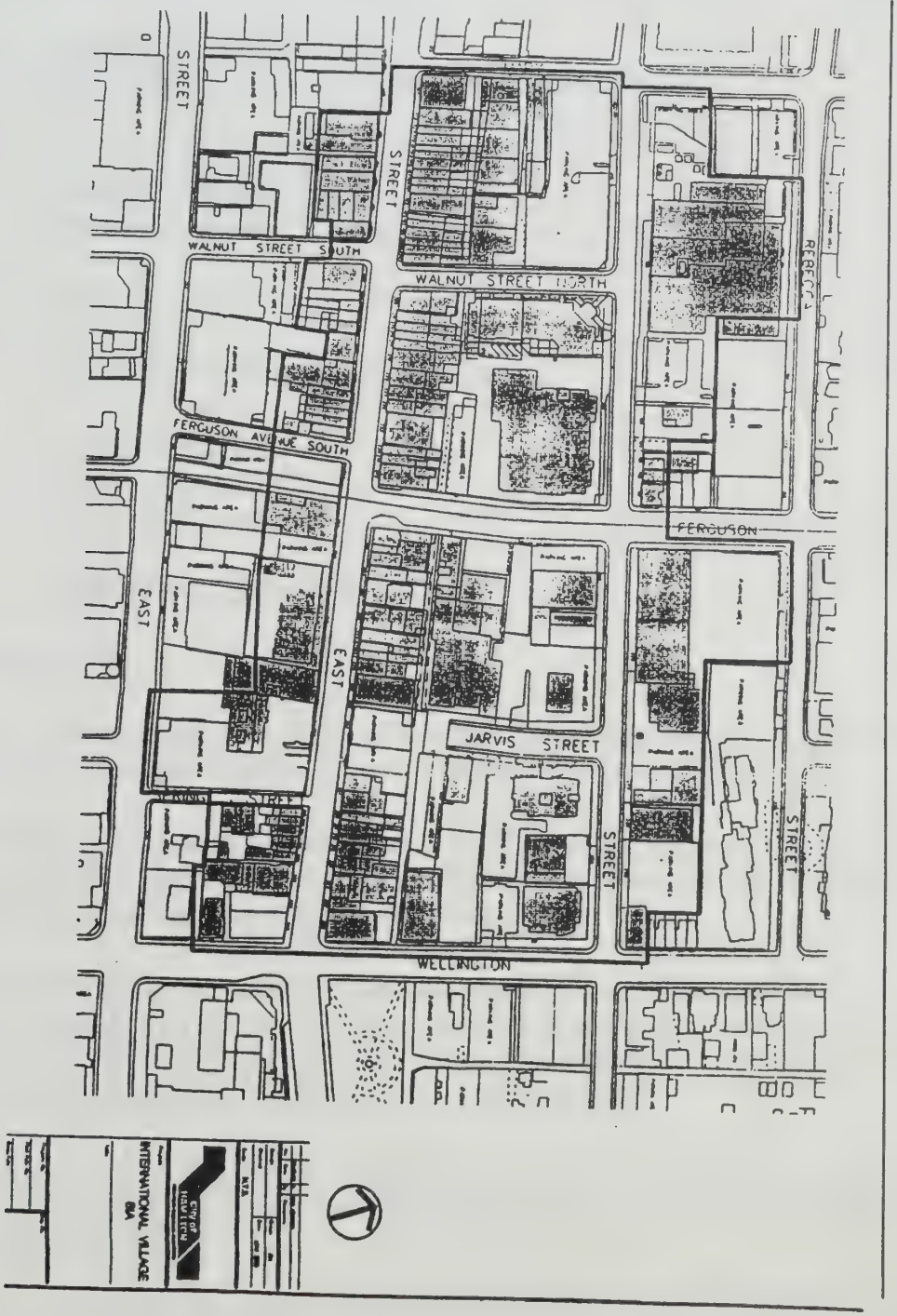
A meeting was convened approximately 3 months ago to examine the above noted issues. In attendance were elected officials representing the Provincial and Federal levels of government from the Liberal, Conservative and NDP parties. This group was complemented by the Executive Directors and Presidents of the two BIA's as well as other special interest groups. They all strongly recognize the unfair and uncompeditive tax situation that has been prevalent in the downtown core for some time.

Pursuant to this meeting, staff and the two BIA-Executive Directors, met with staff of the Ministries of Finance and Municipal Affairs and Housing. We were encouraged to pursue these issues, obtain input and direction from Council and formulate a report for provincial and federal consideration, while similarly allowing the community the latitude to deal with issues at the local level.

Appendix "B" as referred to in
Section 1 (a) of Report 06-00 of the
Economic Development and Tourism Committee
for September 25, 2000



Appendix "C" as referred to in
Section 1 (a) of Report 06-00 of the
Economic Development and Tourism Committee
for September 25, 2000



# REGION OF HAMILTON-WENTWORTH

## - RECOMMENDATION -

**DATE:** September 19, 2000

**REPORT TO:** Chairman and Members
Economic Development and Tourism Committee

**FROM:** Lee Ann Coveyduck
General Manager
Community Planning and Development Division

Nicolas Catalano
Director
Economic Development Department

Tom Bradbury
Acting General Manager
Finance Department

**SUBJECT:** **Enterprise Zones (PDR00139)**

**RECOMMENDATION:**

a) That staff be authorized and directed to implement the Downtown Enterprise Zone Criteria/Incentives detailed in the Analysis Section of Report PDR00139.

b) That the Province be requested to allow greater local tax setting latitude, including the full or partial elimination of clawback contributions to the capping program, for lands within the Enterprise Zone and property tax classes.

c) That the Province be requested to amend legislation and/or regulations to allow the financing arrangements for the capping program to be made more flexible, such that the clawback contributions indicated in recommendation (b) be recaptured over the entire tax assessment base of the New City of Hamilton.

d) That the Province be requested to provide a grant equivalent to the revenue loss to the New City of Hamilton on the tax generated by the incremental assessment for the five year waiver period.

e) That Report PDR00139 be referred to the New City of Hamilton Council for consideration of the taxation implications in the preparation and formulation of taxation policy for 2001.

f) That Report PDR00139 be referred to the City of Hamilton Council to direct the Planning and Development Committee to convene a public meeting to receive input on the creation of an Enterprise Zone under the Community Improvement Plan for the areas defined by the Downtown Business Improvement Area and the International Village Business Improvement Area.

g) That the cost of the program plus the administration, based on the uptake, be identified at year end and segregated for reimbursement by spreading out the revenue loss among the entire tax assessment base in the New City of Hamilton for any portion not covered by a grant from the Province as set out in recommendation (d).

h) That staff be authorized and directed to approach the Ministry of Finance and the Ministry of Municipal Affairs and Housing regarding the tax implications to the School Boards generated by this proposed pilot program and that any revenue loss to the School Boards be met by an annual grant from the Ministry of Finance.

i) That staff be authorized and directed to approach the Federal Ministry of Finance – GST Division and the Provincial Treasury – PST Division for the exemption/rebate of such tax on all goods and services related to new and/or incremental development in the area defined by the Enterprise Zone.

j) That Report PDR00139 be forwarded to the Transition Board for endorsement and for consideration as part of the 2001 budget process.

Lee Ann Coveyduck
General Manager
Community Planning and Development Division

Nicolas Catalano
Director
Economic Development Department

Tom Bradbury
Acting General Manager
Finance Department

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Report PDR00139 requires Transition Board approval as it will have tax policy implications in 2001.**

**Financial**

The elimination of the clawback contributions to the capping program for commercial properties in the defined Enterprise Zone will result in an estimated tax redistribution of $3.3 million. This will result in a tax redistribution of approximately $14 on a residential property assessed at $150,000.

With respect to the waiver of incremental taxation on the area improvements, if the Province does not provide the grant as outlined in recommendation (d), it is estimated that each $1,000,000 in improvements would generate a taxation revenue loss of $70,000. Based on 2001 assessment projections, spreading the recovery of the $70,000 across the Regional assessment base would cost each $150,000 residential property $0.30 per annum. If recommendation (h) is successful, the education portion of the recovery would be payable by the Province and not local taxpayers reducing the $0.30 to approximately $0.15 per household required to fund the incremental tax deferral.

**Staffing**

The program can be administered and monitored within the existing staff complement in the Finance Department and the Community Development and Planning Division. Should the uptake generate increased workload, a follow up report will be provided.

**SUSTAINABLE COMMUNITY IMPLICATIONS:**

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton–Wentworth, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all regional decision-making.)

This initiative will facilitate the re-development of existing properties and the utilization of vacant parking lots consistent with the adaptive re-use of property as per the principles of Vision 2020.

**BACKGROUND:**

Research indicates that taxes are uncompetitive in the downtown core. In the original current value assessment (CVA) analysis, prior to 10-5-5 capping/policies, approximately 85% of the commercial properties in the core were experiencing assessment related reductions. However, the Provincial capping program was introduced in late 1998 to protect commercial, industrial and multi-residential class property owners from large taxation increases as a resulting form the introduction of CVA. Increased taxation levies for properties in these classes were capped at 10% in 1998, 15% in 1999 and 20% in 2000 plus or minus and budgetary changes, over what they had paid in 1997. Funding for the capped increases was recovered from property owners in the same class that were experiencing taxation decreases as a result of reassessment which had a significant negative impact in downtown Hamilton.

Downtown taxes are considered by financial institutions and other lenders as a second debt instrument on development of a property. It has been difficult to mitigate this costing differential in securing financing.

The unfair tax burden has resulted in areas of our downtown that have vacancy rates in excess of 50%. A healthy downtown is critical to the health of our community. In order to deal with the results of this unfair tax burden, staff has been meeting with the Province and in 1992, Regional staff met with the then government of day, the New Democratic Party, in Toronto. In attendance were representatives of the Ministries of Municipal Affairs and Housing, Finance, Provincial Facilitator and a number of policy analysts from the Province. An Enterprise Zone conceptual proposal was presented for their consideration, which unfortunately, did not proceed due to the change in government shortly thereafter.

Approximately two (2) years ago, in conjunction with the Executive Directors of the International Village and Downtown Business Improvement Areas and staff of the Economic Development Department, research was undertaken in Canada, the United States and the United Kingdom to look at how other communities were addressing the issues prevalent to many North American cities in their efforts to revitalize downtown cores.

Staff met with senior policy people from the Ministry of Finance and Ministry of Municipal Affairs and Housing in conjunction with the Parliamentary Assistant to the Minister of Finance (Mr. Young) to obtain initial feedback and comments. Staff and the two (2) downtown Business Improvement Areas were encouraged to proceed in developing a proposal under the Community Improvement Plan to establish an Enterprise Zone as a re-development initiative for the core. The avenue chosen is plausible and feasible under existing legislation and would not require a legislative change for the creation of an Enterprise Zone.

This program has been a work-in-progress for approximately nine (9) months. It is a means to address the structural inequities that have been the major stumbling block to facilitate downtown revitalization. The City of Hamilton and the Region of Hamilton-Wentworth have developed a number of creative policies to encourage development. They are:

a) Façade improvement program.
b) Conversion program for residential development.
c) Heritage designation program.
d) Tax program for heritage designated properties.
e) The wavier of all fees related to the application process for development.

Numerous other smaller initiatives to assist the community in mitigating the tax differentials between developing in the downtown core versus other parts of the community have been developed as well. However, the current programs on their own are not enough and, for this reason, the recommendations to eliminate the clawback contributions to the capping program and the introduction of an Enterprise Zone are being presented.

## Analysis

The Enterprise Zone (see Attachment 1 to Report PDR00139 for details) has been successfully used in the United States (USA) and the United Kingdom (UK) and, as a result, staff has modelled this section under their experiences, recognizing that legal statutes are different in these jurisdictions versus Ontario. The Enterprise Zone is intended to create jobs and opportunities in the most economically distressed areas of inner cities and it targets tax incentives, loans, etc. to these areas to assist in the revitalization. The following criteria, incentives, measurements and process are proposed:

Criteria:

1. That the areas defined by the Downtown and International Village Business Improvement Areas be the pilot project test area (see Attachments 2 and 3);

2. For a proposal to qualify it must have at least a 50% annualized vacancy rate commercial/residential);

3. Proposals for re-development cannot have a total gross floor area of greater than 30,000 sq. ft. in. Additions to the structure can exceed 30,000 sq. ft. in total area;

4. To stimulate new development and reduce the number of vacant sites, all parking lots and vacant sites are included; and,

5. All hotels and motels that have an annualised occupancy of less that 50% would qualify.

The criteria have been established after extensive consultation with the two (2) Business Improvement Areas and Municipal staff and Provincial input from Ministries of Finance and Municipal Affairs and Housing.

## Incentives

1. Tax assessment increase resulting from improvements to any of the qualifying projects will be waived for a period of five years. The loss of tax revenue would be recaptured among all tax classes in the community;

2. New development or re-development would be assessed at current market value;

3. The tax waiving incentive for a five year period would apply to the educational component. This revenue loss to the School Boards would be replaced by an annual Provincial grant;

4. The current Council approved 'No Fee Policy' would remain in effect for five (5) years;

5. GST and PST would not be applicable on goods and services provided to qualifying projects; and,

6. The Enterprise Zone would remain in effect for five (5) years but be subject to annual review based on benchmarks and performance measurements.

**Measurements**

1. Number of projects per annum.
2. Number of new residential units.
3. Expansion of quality commercial space.
4. Vacancy rates of the qualified projects.
5. Number of parking lots and/or vacant sites developed.

**Process**

1. Examine each project on a case by case basis.
2. Identify the tax benefits of the redevelopment - pre and post capping.
3. Quantify the cost of the redevelopment to the School Boards.
4. Quantify the loss of revenue to the New City of Hamilton.
5. Loss of tax revenue plus carrying and administrative charges to be spread out over the entire tax assessment base of the New City of Hamilton in the following year.
6. The program cost will be measured against the incremental tax benefits that will be provided by the developments but the more significant benefit will be the elimination of blighted, underutilized and boarded facilities that dot the downtown core.

NOTE: While the pilot project has been targeted at the City of Hamilton downtown core it is possible to expand the program to other parts of the New City of Hamilton pursuant to the identified criteria and Planning Act regulations.

**Rationale**

This initiative seeks to address the costing differentials by:

1. Involving all levels of government (local/Provincial/Federal).
2. Addressing the need for downtown commercial redevelopment.

3. Addressing the need for residential development.
4. Utilizing existing infrastructure more efficiently.
5. Recognize that the core is the heart of a community.
6. Reduce blighted/boarded up properties.
7. Increase assessment.
8. Provide the framework for beautification.
9. Create a competitive environment to stimulate development.
10. Reduce the number of vacant sites and parking lots.

Attachs. (3)

# TRANSPORT & ENVIRONMENT COMMITTEE

# REPORT

## CITY OF HAMILTON
## TRANSPORT AND ENVIRONMENT COMMITTEE

**Monday, October 2, 2000**
**9:30 a.m.**
**Room 233, Hamilton City Hall**
**71 Main Street West, Hamilton**

| | |
|---|---|
| **Present:** | Alderman C. Collins (Chairperson), Alderman D. Wilson (Vice-Chairperson), Aldermen T. Anderson, M. Kiss, A. Horwath, B. Morelli, F. D'Amico |
| **Absent with regrets:** | Mayor R. M. Morrow<br>Alderman T. Jackson |
| **Also Present:** | Aldermen F. Eisenberger, B. Kelly<br>M. Hazell, R. Meiers, T. Gill, P. Barkwell, B. Desnoyers,<br>B. Young, C. Biggs |

Alderman C. Collins, Chairperson, called the meeting to order.

**THE TRANSPORT AND ENVIRONMENT COMMITTEE PRESENTS REPORT 14-00 AND RESPECTFULLY RECOMMENDS:**

1. **By-law to Stop-up, close, retain, establish, widen, layout, alter and divert Chedmac Drive adjacent to the Twin Pads Arena (TOE00015)** (Item 3)

   (a) That the closure, realignment and diversion of Chedmac Drive adjacent to the Twin Pads Arena to remove the horizontal curve and construct a three leg intersection in accordance with the Mountview Neighborhood Plan and Scenic Park South draft approved plan of subdivision be approved; and,

   (b) That the Municipal Clerk be authorized to forward an application to stop-up and close the portion of Chedmac Drive designated as Parts 18, 19, 22 and 23 on Reference Plan 62R-15300 to the Regional Municipality of Hamilton-Wentworth for approval pursuant to Section 44 of the Regional Municipalities Act, R.S.O. 1990; and,

   (c) That the appropriate By-law to stop-up, close and retain a portion of Chedmac Drive designated as Parts 18, 19, 22 and 23 on Reference Plan 62R-15300 be forwarded to City Council for enactment; and,

(d) That the By-law noted in Item (c) above contain a clause that it shall not come into force until such time as Regional Council has approved the closure; and,

(e) That the appropriate By-law to widen, establish, layout as public highway, lands designated as Parts 3, 5, 14, 15, 16, 17 and 25 on Reference Plan 62R-15300, be forwarded to City Council for enactment; and,

(f) That the City of Hamilton grant all existing Utility Companies and municipal services the required easements in order that they can be retained in the stopped-up and closed portion of Chedmac Drive, if necessary; and,

(g) That the City of Hamilton authorize the appropriate Officials to prepare and sign all documents necessary to grant the required utility and municipal servicing easements over the stopped up and closed portion of Chedmac Drive; and

(h) That the appropriate By-law to alter and divert Chedmac Drive, adjacent to the Twin Pads Arena, be forwarded to City Council for enactment.

2. **School Crossing Guard Requests - Various Locations (PWT00167)** (Item 5)

(a) That a School Crossing Guard be assigned to the intersection of Upper James Street and Malton Drive during the morning and evening school crossing periods only, on a permanent basis; and,

(b) That a School Crossing Guard be assigned to the intersection of Stonechurch Road and Norma Jean Avenue during the morning and evening school crossing periods only, on a permanent basis; and,

(c) That a School Crossing Guard be assigned to the intersection of Queen Victoria Drive and Queensbury Drive during the morning and evening school crossing periods only, on a permanent basis; and,

(d) That consideration be given in the 2001 Current Budget process for an new/enhanced program package of $12,000 plus administrative costs for 3 additional School Crossing Guard locations; and,

(e) That this report be forwarded to the Transition Board for approval.

3. **Routine Amendments to the City Traffic By-law 89-72 - Transport and Environment Committee Meeting - October 2, 2000 (PWT00158)** (Item 6.1)

That the requests for routine amendments, attached as Appendix "A" hereto, be approved and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

4. **Request for "Ernie Hutton Place" Ceremonial Street Name Signs (PWT00157)** (Item 6.2)

That two (2) ceremonial "Ernie Hutton Place" street name signs be installed on East 16th Street adjacent to Hill Park Secondary School.

5. **Turn Regulation at the Intersection of King Street West and Hess Street North (TOE00014)** (Item 6.3)

(a) That the northbound "Left Turn on Red" prohibition at the intersection of King Street West and Hess Street North be removed; and,

(b) That an appropriate by-law to amend City Traffic by-law 89-72 be passed and enacted.

6. **Westdale Village B.I.A. – 3rd Annual Pumpkin Patch Event - Saturday, October 21, 2000 (PWT00168)** (New Business #1)

That the application by the Westdale Village B.I.A. to temporarily close the south parkette of King Street West between Marion and Paisley on Saturday, October 21, 2000 between 8:00 am and 2:00 pm, to hold their "3rd Annual "Pumpkin Patch" event, be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police, or his designate, be received, and that such permits or authorizations as may be required by the Chief of Police, or his designate, be obtained; and

(b) That prior to the event, the applicant provide proof of $2,000,000 public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss; and

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police, or his designate; and

(d) That all barricading be supplied by and at the expense of the applicant; and

(e) That "Temporary Road Closure" signs be installed, in advance, on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic and at the expense of the applicant; and

(f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and the Region and at the expense of the event organizer; and

(g) That no property owner or resident within the barricaded area be denied access to their property upon request; and

(h) That all property owners and tenants within the closure area be notified of the event by the applicant, prior to the event, in a form acceptable to the Acting Commissioner of Public Works and Traffic.

7. **Request for Pedestrian Priority Signal – Intersection of King Street and London Street, Hamilton**

That the Transition Board be requested to consider the inclusion of funding a pedestrian priority signal (PPS) at the intersection of King Street East and London Street in the base 2001 budget.

8. **Status Report – Scott MacDonald Marine Lease (LS00020)** (Item 7.1)

(a) That Scott-MacDonald Marine Limited be served with the appropriate Notice of Default under the Lease providing the Tenant a period of thirty (30) days to meet their financial obligations under the Lease, and a period of forty-five (45) days to rectify defaults not involving payment of monies, and;

(b) That should Scott-MacDonald Marine Limited not comply with the above, staff be directed to exercise the City's remedies available under the Lease including, but not limited to, re-taking possession of the property and eviction of the Tenant;

(c) That staff bring a report back to the Committee respecting the issue of full-time residency on boats which are dry docked.

9. **Environmental Appeal Board - Scott MacDonald Marine (LS00021)** (Item7.2)

That the City of Hamilton seek party status before the Environmental Appeal Board with respect to the Appeal by Scott-MacDonald Marine of the denial of its application for a permit to apply herbicide to the water lots leased by it from the City, and oppose the application to apply herbicide to the City-owned water lots.

**9. Bills**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) A-054 Being a By-law to stop-up, close and retain the portion of Chedmac Drive known as Parts 18, 19, 22 and 23 on Plan 62R-15300

(b) A-055 Being a By-law to establish, widen and lay out City land designated as Parts 3, 5, 14, 15, 16, 17 and 25 on Reference Plan 62R-15300 into Chedmac Drive

(c) A-056 Being a By-law to alter Chedmac Drive, from Hepburn Crescent to approximately 230m southeasterly by realigning the roadway adjacent to the Twin Pads Arena and to construct the new road to an urban cross section

(d) A-057 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic

(e) A-058 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic

**FOR THE INFORMATION OF COUNCIL:**

**(a) Declarations of Interest** (Item 1)

None declared.

**(b) Adoption of Minutes** – September 11, 2000 (Item 2)

The Minutes of the Transport and Environment Committee meeting held on September 11, 2000 were adopted as circulated.

**(c) By-law to Stop up. Close, Retain, Establish, Widen, Layout, Alter and Divert Chedmac Drive, adjacent to the Twin Pad Arena** (TOE00015)

In accordance with the provisions of the Municipal Act, the above proposed alteration was advertised in The Spectator for four consecutive weeks.

The Committee Chairman requested if there was any one present wishing to address the Committee on this matter, to which there was no one.

(d) **Garages/Yards Rationalization (CS99026b)** (Item 4)

That Report CS99026b respecting Garages/Yards Rationalization be tabled to permit staff to meet with the Ward Alderman for further discussions, and report back to the Committee.

(e) **Other Business** (Item 8)

(i) Mohawk Road, between Rice Avenue and Magnolia Avenue, Hamilton

Alderman F. D'Amico requested that staff investigate the possibility of installing a pedestrian priority signal on Mohawk Road, between Rice Avenue and Magnolia Avenue, and report back to the Committee. He noted that there are many seniors residing in the apartments along Mohawk Road, and that they cross Mohawk Road to get to the plaza on the south side.

(ii) Intersection of Stone Church Road East and Nebo Road, Hamilton

Alderman T. Anderson indicated that traffic volumes are very heavy, and that left turns from Nebo Road on to Stone Church are very difficult, especially for trucks. Staff was requested to review the warrants for a regular traffic signal at the above-noted intersection, and report back to the Committee.

(f) **Status Report – Scott-MacDonald Marine Lease** (Item 7.1)

Alderman F. D'Amico indicated that he wished to be recorded as being opposed to Recommendation (a) of Section 8.

**Alderman C. Collins, Chairman**
**Transport and Environment Committee**

**Carolyn Biggs, Legislative Assistant**
**October 2, 2000**

Appendix "A" as referred to in
Section 3 of Report 14-00 of the
Transport and Environment Committee

**Ward 1**

(a) The Locke Street Business Association has forwarded a petition signed by the area businesses requesting that the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the west side and the "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the east side of Locke between Hunter and Herkimer be changed to a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation, to provide consistency of the parking time limit on both sides of the street in this area.

**Ward 2**

(a) Carlo Gorni, of the Downtown Hamilton B.I.A., 4 Hughson Street South, has requested that the existing "No Stopping - Commercial Vehicle Loading Zone" regulation on the west side of Hughson, south of King, be replaced with a "No Parking - Loading Only, 9:00 a.m. to 4:00 p.m., Monday to Friday" regulation.

(b) Wayne Kucharski, 209 Wood Street East, has requested that a reserved "Permit Parking" regulation be implemented on the north side of Wood, directly in front of his home, since his wife is disabled.

**Ward 3**

(a) Robert Wilson, 42 Earl Street, has requested that a reserved "Permit Parking" regulation be implemented on the east side of Earl, directly in front of his home, since he is disabled.

(b) Richardo Conte-Oro, 49 and 51 Princess Street, has requested that the existing full-time "No Parking" regulation on the north side of Princess, west of Gibson, be reduced from 55 feet to 30 feet to provide an additional parking space in front of his home. An investigation indicates that a 30 foot "No Stopping - Corner Clearance" regulation would be appropriate and, therefore, staff concurs with the request.

(c) Carlo DiVencenzo, 33 Somerset Avenue, has requested that the existing "Permit Parking" regulation on the north side of Somerset, directly in front of his home, be removed as his father has passed away.

(d) Angela Rosati, 11 Somerset Avenue, has requested that the existing "Permit Parking" regulation on the south side of Somerset, directly in front of 36 Somerset Avenue, be removed as the resident has moved.

(e) Staff has received a petition signed by representatives of 14 of the 18 residential properties abutting Barnesdale between King and Cannon requesting that the existing "Alternate Side Parking" regulation be replaced with a "No Parking" regulation on the east side and unrestricted parking on the west side. Thirteen of the residents are in favour and one had no opinion.

(f) Doreen Jooris, 147 Birge Street, has requested that a reserved "Permit Parking" regulation be implemented on the north side of Birge, directly in front of her home, as she is disabled.

(g) Steve Davis, 31 Shaw Street, has requested that a reserved "Permit Parking" regulation be implemented on the north side of Shaw, directly in front of his home, as he is disabled.

(h) Alderman Bernie Morelli has advised of a request from Bram Spurrell, 29 Madison Avenue, that a reserved "Permit Parking" regulation be implemented on the west side of Madison, directly in front of his home, as his wife is disabled.

(i) Elizabeth Green, 102 Clinton Street, has requested that a reserved "Permit Parking" regulation be implemented on both sides of Clinton, directly in front of and across from her home, as she is disabled. A representative from Four Bays Auto Body, 217 Lottridge Street North, has advised that they support the request.

**Ward 4**

(a) Staff has received a petition signed by representatives of 12 of the 17 residential properties abutting Argyle between Carlisle and Edgar requesting that the existing "Alternate Side Parking" regulation be replaced with a "No Parking" regulation on the north side and unrestricted parking on the south side. Eleven of the residents are in favour and one is opposed.

(b) Staff recommends that the existing "Alternate Side Parking" regulation be removed from the south side of Dunsmure between Tragina and Weir. Presently, there is a full-time "No Parking" regulation on the north side of Dunsmure in this block resulting in parking being prohibited from both sides of the street from the 16th day to the end of each month, April to November. Mr. Krzyanowski, 63 Weir Street North, the resident abutting this area, is in favour of the regulation change.

(c) Staff has received a petition signed by representatives of 13 of the 15 residential properties abutting Glendee Court between Glendee Road and the southerly end of Glendee Court requesting that the existing "Alternate Side Parking" regulation be removed in order to allow unrestricted parking on both sides of the street.

(d) Alan Thomson, 399 Cope Street, has requested that a reserved "Permit Parking" regulation be implemented on the west side of Cope, directly in front of his home, since he is disabled.

**Ward 7**

(a) Mark Williams, 374 East 25th Street, has requested that all-way stop control be implemented at the intersection of East 25th and Franklin. The intersection meets the criteria for all-way stop control due to the close proximity to Burkholder Middle School.

(b) Tony Forte, 58 Corinaldo Drive, has requested that a "No Parking" regulation be implemented on the inside of the 90 degree bend in Corinaldo to facilitate two-way traffic flow in this area. Mrs. Beemer, 43 Corinaldo Drive, the resident abutting this area, has advised that she supports the requested regulation.

# PARKS AND RECREATION COMMITTEE

# REPORT

## CITY OF HAMILTON
## PARKS AND RECREATION COMMITTEE

**Monday, October 2, 2000**
**1:15 p.m.**
**Room 233, Hamilton City Hall**
**71 Main Street West, Hamilton**

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| | |
|---|---|
| **Present:** | Alderman B. Morelli (Chairperson)<br>Alderman M. Kiss (Vice-Chairperson)<br>Mayor R. M. Morrow<br>Aldermen T. Anderson, R. Corsini, G. Copps, F. Eisenberger, T. Jackson |
| **Regrets:** | Alderman D. O'Sullivan (Other Business) |
| **Also Present:** | Alderman A. Horwath<br>R. Fair, G. Makins, D. Wood, M. Havelka, C. Secore, B. Chrystian, W. Plessl, M. Hazell, B. Price, C. Touzel, S. Reeder |

Alderman B. Morelli, Chairperson, called the meeting to order.

**THE PARKS AND RECREATION COMMITTEE PRESENTS REPORT 09-00 AND RESPECTFULLY RECOMMENDS:**

1. **Walker Outdoor Pool/William Bethune Park Capital Project (PWT00159)** (Item 3)

   (a) That Staff from the Departments of Culture and Recreation and Public Works and Traffic be authorized and directed to prepare a 2001 Capital Budget submission relative to the renewal of William Bethune Park, including replacement of Walker Outdoor Pool; and,

   (b) That, as Phase 1 of this project, Staff be directed to proceed with the construction of four (4) bocce courts with a sun shelter covering two of the courts at William Bethune Park as per the park concept plan, at a budget upset limit of $150,000 and on the understanding that the Trieste Bocce Club contribute $20,000 to the cost of Phase 1; and,

   (c) That the Mayor and Acting Municipal Clerk be authorized to execute a License Agreement with the Trieste Bocce Association in a form satisfactory to Corporate Counsel; and,

(d) That financing of the City's $130,000 share of the estimated $150,000 total cost be derived from the funds generated from the sale of Barton Community Centre deposited to Culture and Recreation Asset Management Account No 709955040 with the remaining $20,000 to be paid by the Trieste Bocce Association; and,

(e) That, the remainder of the funds ($247,250) remain in the Culture and Recreation Asset Management Account and be applied to the pool replacement portion of the broader capital project and the improvements to William Bethune Park.

2. **Hamilton Civic Golf Courses (CSC00135)** (Item 4)

(a) That the Director of Culture and Recreation be authorized and directed to negotiate a one year extension to contracts with the existing Concessionaires and Golf Pros at the Hamilton Civic Golf Courses expiring on December 1, 2001, in a form satisfactory to Corporate Counsel; and,

(b) That a Request for Proposal for the provision of alternate service delivery options for golf course operation for Hamilton Civic Golf Courses effective 2002 be deferred to the new Council; and,

(c) That these recommendations be forwarded to the Transition Board for consideration and approval.

3. **Bayfront Park Entrance Gateway and Sign (PWT00165)** (Item 5)

(a) That Staff be directed to proceed to construction with the concept entrance gateway and sign for Bayfront Park presented to the Committee of the Whole at its meeting of September 6, 2000 with a reduction in height of the main mast from 46.0m to 41.5m; and,

(b) That Staff be authorized to negotiate a lower price with Ewing Flagpole Co. Inc. of Scarborough for fabrication and installation of the main mast.

4. **Award of Contract for the Construction of a Sun Shelter, Washrooms and Spray Pad at Billy Sherring Park (PWT00164)** (Item 6)

(a) That approval be given to issue a purchase order to Corporate Construction Inc., Ancaster, in the amount of $165,548.80 including $20,000 contingency, and $10,850.30 G.S.T. for the construction of a sun shelter, washrooms and spray pad at Billy Sherring Park, being the lowest of three (3) tenders received in accordance with specifications C11-3300 issued by the Purchasing Division and vendors tender; and,

(b) That the amount of $165,548.80 for the construction of a sun shelter, washrooms and spray pad be funded from the 2000 Park Development and Redevelopment account: COHAM 620054001; and,

(c) That the Director of Legal Services and Corporate Counsel be requested to prepare a contract, and the Mayor and Acting Municipal Clerk be authorized to execute the contract in a form satisfactory to Corporate Counsel.

5. **Mumz 'n Craft Harvest Festival - Approval as required by Parks By-law No. 95-126 to Sell Alcoholic Beverages, Park Vehicles and hold Carnival Rides in Gage Park (CSC00126)** (Item 7.1)

(a) That approval, as required by Sections 11 and 29 of Parks By-law No. 95-126 as amended, and under the Standard Terms and Conditions of the Special Events Guidelines, be given to The City of Hamilton to sell alcoholic beverages, park vehicles and hold carnival rides at the new Mumz n' Craft Harvest Festival in Gage Park from October 20-29, 2000 inclusive; and;

(b) That the licenced (beer garden) tent area at Mumz 'n Craft operate during the following hours:

| | | |
|---|---|---|
| Friday | October 20 | 12:00 noon - 8:00 p.m., |
| Saturday | October 21 | 12:00 noon - 8:00 p.m., |
| Sunday | October 22 | 12:00 noon - 8:00 p.m., |

Monday, October 23 – Thursday, October 26, 2000 4:00 p.m. – 8:00 p.m., (inclusive)

| | | |
|---|---|---|
| Friday | October 27 | 12:00 noon – 8:00 p.m. |
| Saturday | October 28 | 12:00 noon – 8:00 p.m. |
| Sunday | October 29 | 12:00 noon – 8:00 p.m. |

6. **Conservation of the Whitehern Heritage Library Collection - Request for Authority to Issue Call for Quotations to Undertake Program of Mass Deacidification (CSC00132)** (Item 7.2)

(a) That the General Manager of Community Services be authorized to issue a call for quotations to undertake a program of mass deacidification to conserve the Whitehern Heritage Library collection of approximately 4,000 volumes of rare and unusual 16th to 19th century heritage books that are in danger of being lost through accelerated deterioration; and,

(b) That an upset limit of $80,000 be established for the program, with funds drawn from Account No. COHAM709855041 –Risk Management; and,

(c) That a contract satisfactory to Corporate Counsel be negotiated with the approved commercial firm.

7. **Approval of Special Occasion Permit for the Franz Liszt Great Romantics Music Event at Whitehern (CSC00127)** (Item 7.3)

(a) That approval be given to the General Manager of Community Services to apply to the Alcohol and Gaming Commission of Ontario (AGCO) for a Special Occasions Permit for a civic reception to be held as part of the Franz Liszt Great Romantics festivities at Whitehern Historic House and Gardens; and,

(b) That the licenced area be on the west side of the Whitehern property and the event to be held on Saturday, October 7, 2000 from 11:30 a.m. – 3:00 p.m.; and,

(c) That the event is subject to the Terms and Conditions of the Special Event Guidelines and policies of the Hamilton Historical Board.

**FOR THE INFORMATION OF CITY COUNCIL:**

(a) **Declarations of Interest** (Item 1)

None declared.

(b) **Adoption of Minutes - June 19, 2000** (Item 2)

That the Minutes of Parks and Recreation Committee for its meeting held June 19, 2000 be adopted.

(c) **Walker Outdoor Pool/William Bethune Park Capital Project (PWT00159)** (Item 3)

The Committee agreed to amend Report PWT00159 to directly reference the source of funding for this project.

(d) **Hamilton Civic Golf Courses (CSC00135)** (Item 4)

The Committee amended Report CSC00135 to note that subsection (b) of the Report be deferred to the new Council.

(e) **Bayfront Park Entrance Gateway and Sign (PWT00165)** (Item 5)

Alderman Copps indicated that she wished to be recorded as opposed to this item.

(f) **Mumz n' Craft Harvest Festival - Report for approval as required by Parks By-law 95-126 Sale of Alcoholic Beverages & Carnival Rides (CSC00126)** (Item 7.1)

Alderman Jackson indicated that he wished to be recorded as opposed to subsection (b) of the recommendation respecting the licenced beer garden tent area.

(g) **Information Items** (Item 7.4)

That the following Information Items be received:

(i) Scott Park Community Hockey (CSC00131)

(ii) Heritage Canada Grant for Conservation Equipment for Museums (CS00128)

(iii) Hamilton Girl's Hockey Association - Allocation of Ice Time at Inch Park Arena (CSC00133)

Alderman Jackson requested that the residency of the users of this ice time be monitored as many users are not from Hamilton, and ice time is at a premium in the City.

(iv) Pumpkinfest 2000 - Sunday, October 22, 2000 (CSC00129)

(h) **Meeting with CanSkate Representatives respecting Allocation of Ice Time at Parkdale Arena** (Item 8 - Other Business)

The Committee agreed that a meeting would be scheduled with CanSkate representatives and all parties involved to discuss the allocation of ice time at Parkdale Arena.

Note: The meeting of the Parks and Recreation Committee adjourned at 1:55 p.m.

Alderman B. Morelli, Chairperson
Parks and Recreation Committee

Susan K. Reeder, Acting Manager
Legislative Services and Records
October 2, 2000

# PLANNING & DEVELOPMENT COMMITTEE

# REPORT

## CITY OF HAMILTON
## PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday October 4, 2000**
**9:30 a.m.**
**Room 233, Hamilton City Hall**
**71 Main Street West, Hamilton**

| | |
|---|---|
| **Present:** | Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, F. Eisenberger, B. Charters, B. Kelly |
| **Regrets:** | Alderman D. Haining, (Personal Business) |
| **Also Present:** | Aldermen Kiss, P. Mallard, P. Mason, G. Paparella, N, Smith, E. Switinky, M. Mascarenhas, T. Redmond, E. Chajka, N. Catalano, T. Agnello |

Alderman F. D'Amico, Chairperson, called the meeting to order.

**THE PLANNING AND DEVELOPMENT COMMITTEE PRESENTS REPORT 15-00 AND RESPECTFULLY RECOMMENDS:**

1. **Neighbourhood Plan Amendment – Changes to the Proposed Road Pattern in the North-East Quadrant of the Gourley Neighbourhood Plan (P5-2-53) (PDC00156)** (Previously Tabled)

   That the Gourley Neighbourhood Plan be not amended, as shown on Appendix "A", as follows:

   (a) to delete the east-west portion of the planned extension of Chesley Street that would connect with the planned extension of Appleblossom Drive; and,

   (b) to extend Chesley Street northerly to connect with the planned east-west street.

2. **Further Modification in Zoning for the South-East Corner of Chedmac Drive and Redfern Avenue. (ZAR-00-26) (PDC00160)**

That approval be given to Zoning Application ZAR-00-26, St. Peters Health System, prospective owner, for a further modification to the established "AA" (Agricultural) District regulations, to permit a two-phase nursing home (long term care facility) with a maximum capacity of 180 beds for Block "1" (phase 1) and 120 beds for Block "2" (phase 2), for lands located at the south-east corner of Chedmac Drive and Redfern Avenue, as shown on the attached Map marked as Appendix "B", on the following basis:

(a) That the "AA" (Agricultural) District regulations as contained in Section 7A. of Zoning By-law 6593, as amended by By-law 96-152, applicable to the subject lands, be further modified to include the following variances, as special requirements:

(i) That notwithstanding Section 4.(a) of By-law No. 96-152, the following uses shall be permitted:

(1) a nursing home with a maximum capacity of 180 beds and accessory uses thereto on Block "1"; and,

(2) a nursing home with a maximum capacity of 120 beds and accessory uses thereto on Block "2".

(ii) That Section 4.(b) of By-law No. 96-152 shall not apply to Block "1" or Block "2".

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1363a, and that the subject lands on Zoning District Map W-36 and W-37 be notated S-1363a.

(c) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-36 and W-37 for presentation to City Council.

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**3. Columbia International College, Owner, for a further Modification to the Established "HH" District for 1033 Main Street West (ZAR-00-29), (PDC00164)**

That approval be given to Zoning Application ZAR-00-29, Columbia International College, owner, for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District for lands known as 1033 Main Street West as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the "HH" (Urban Protected Residential, etc.) District regulations, contained in Section 14A. of Zoning By-law No. 6593, as amended by By-law Nos. 84-234, 88-44 and 89-220, applicable to the lands known as 1033 Main Street West, be further modified to include the following variances as special requirements as follows:

(i) That Subsection 1.(a)(i). of By-law No. 89-220 be deleted in its entirety and replaced with the following:

"1.(a)(i.) on Block 3, subject to subsection (d), a lodging house shall be permitted subject to the following:

1. it is located within the building existing on the date of the passing of this by-law;

2. contains a lodging house for the accommodation of not more than 200 persons; and

3. is occupied only by residents who are students attending Columbia International College."

(ii) That Subsection 1.(a)(ii)2. of By-law No. 89-220 be amended by deleting the phrase "9 multiple dwelling units for use by not more than 9 residents" and replaced with the phrase "9 multiple dwelling units for use by not more than 18 residents" such that Subsection 1.(a)(ii)2. of By-law No. 89-220 shall read as follows:

"1.(a)(ii.)2. Contains not more than 9 multiple dwelling units for use by not more than 18 residents and 99 lodging homes for use by not more than 198 residents,"

(iii) That Subsection 1.(a)(ii).3. of By-law No. 89-220 be deleted in its

entirety and replaced with the following:

"1.(a)(ii).3. is occupied only by residents who are students attending Columbia International College."

(b) That the Corporate Counsel be directed and authorized to prepare separate By-laws for the subject lands to amend Zoning By-law No. 6593 and Zoning District Maps W-33 and W-34 for presentation to City Council; and,

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-886c, and that the subject lands on Zoning District Maps W-33 and W-34 be notated as S-886c;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**4. Demolition of 152 Park Street North (PDC00162)**

That the Acting Director of Building be authorized to issue a demolition permit for 152 Park Street North in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**5. Demolition of 100 Rainbow Drive (PDC000163)**

That the Acting Director of Building be authorized to issue a demolition permit for 100 Rainbow Drive in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**6. Removal of Holding Zone (ZAR-00-28) – 1780 to 1808 Main Street West (PDC00165)**

(a) That approval be given Ninco Construction Limited, owner, requesting removal of the 'H' – Holding provision under Section 36(1) of the Planning Act, R.S.O., to allow for the development of the subject lands for an eight (8) storey, 48 unit multiple dwelling, for property located at 1780-1808 Main Street West, as shown on the attached map marked as Appendix "D"; and,

(b) That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate

Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 89-126, and Zoning District Maps W-50 and W-51, for presentation to City Council.

7. **Payment for Accrued Parkland Credit, Allison Estates- Phase 1 (CS00027)**

That the amount of $43,400 be paid to 200 Rymal Road Inc. to purchase that company's parkland credit balance of 1,006.248 square metres (0.248 acres), provided that 200 Rymal Road Inc. execute a release in a form satisfactory to Corporate Counsel and the cost be charged to Account No. COHAM 58534 104090 (Reserve for Parklands).

8. **17 Augusta Street- Designation (PDC00158)**

(a) That approval be given to the Intent to Designate the late Victorian house at 17 Augusta Street, as a property of historical and architectural value, pursuant to the provisions of Part IV of the Ontario Heritage Act, 1997, as outlined in the Reasons for Designation attached hereto and marked as Appendix "E"; and

(b) That Corporate Counsel be authorized and directed to take appropriate action to have this property designated under the Ontario Heritage Act, 1997.

9. **Downtown Convert/Renovate to Residential Loan Program, 11 Rebecca Street, Hamilton (HSB00016)**

(a) That a loan to Rebecca Street Holdings (Hamilton) Inc., (principal Mr. Anthony G. DiCenzo) for building rehabilitation and conversion to 40 residential condominium rental units at 11 Rebecca Street, Hamilton, be authorized upon the Downtown Convert/Renovate to Residential Loan Program, subject to the conditions set out and referred to in this recommendation, including the following details:

(i) A maximum loan of $800,000 under the Downtown Convert/Renovate to Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any), at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the by Corporate Counsel and the applicants' lawyer in a form satisfactory to Corporate Counsel;

(b) That the loan amounting to $800,000 be subject to the following conditions:

(i) That the applicant be required to fulfill all the borrowing requirements of the City of Hamilton with respect to the Downtown Convert/Renovate to Residential Loan Program, including, evidence satisfactory to the City, of the owners' equity of not less than 25% of the appraised value after deducting from such appraised value, the owners' mortgages and other encumbrances, such as liens or realty tax arrears and the balance of the loan shall be re-payable to the City in the event the applicant ceases to own the property (except to the extent the property is registered as a residential condominium);

(ii) That upon the applicant meeting all loan conditions, advances of the City's loan to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City's loan, fully applied its equity and first mortgage loan funds and provided further that:

1. All advances are subject to compliance with the Construction Lien Act and other usual requirements of lenders;

2. At the time of each loan advance:

- there remains at least 25% owners' equity (as described above) in the properties;
- the applicants' architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for the building rehabilitation and conversion to 40 units and the value of the said remaining work is less than the amount of the City's loans; and,
- the said applicant is the registered owner of the property.

(iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the amendments to the Downtown Convert/Renovate to Residential Loan Program;

(iv) That the applicant has applied for and received a building permit within 4 months of the approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan

amendment;

(v) That the client commence construction within 3 months of receipt of the building permit; and,

(vi) Such other terms and conditions that Council may, in its discretion, require.

**10. Bills:**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-069 A By-law to Amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 158 and 166 Stone Church Road West.

(b) C-070 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws No. 89-126 and 89-178 respecting lands located at Municipal Nos. 1780,1790, 1796 and 1808 Main Street West.

(c) C-071 A By-law to Adopt Official Plan Amendment No. 168 Respecting lands located East of Lake Avenue North and South of Strawberry Drive.

(d) C-072 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located East of Lake Avenue North and South of Strawberry Drive.

**FOR THE INFORMATION OF CITY COUNCIL:**

(a) **Declarations of Interest** (Item 1)

None declared.

(b) **Adoption of Minutes – September 20, 2000** (Item 3.1)

The Minutes of the meeting held September 20, 2000 were adopted.

(c) **Neighbourhood Plan Amendment – Changes to the Proposed Road Pattern in the North-East Quadrant of the Gourley Neighbourhood Plan (P5-2-53) (PDC00156)** (Previously Tabled) (Item 2.1)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

A submission was received from Cindy and Rob Vanderstar, 189 Chesley Street Hamilton.

Ward Campbell, of Starward Homes and the prospective purchaser from St. Clair Construction were present in support of the recommendation.

Paul Mallard gave a brief overview of the staff report. Of 120 notices circulated, 10 replied in favour and 6 opposed.

The following People were present in objection to the recommendation:

Cindy Vanderstar, 189 Chesley Street, Hamilton
Joe Rasso, 146 Chester Avenue, Hamilton
Mario Posteraro, 207 Chesley Street, Hamilton
Rose, Charmee, 133 Chester Street, Hamilton
John Bielak, 210 Chesley Street, Hamilton
Dan Meyer, 204 Chesley Street, Hamilton
Vito Battista, Chesley Street, Hamilton
Mary Codnick, 150 Chester Street, Hamilton

They were opposed based on the following:

- increase in traffic
- safety concerns regarding children and people using public transit
- lack of sidewalks and curbing
- improper notification of the meeting
- support for original Neighbourhood plan
- negative change in the residents quality of life

Ward Campbell stated that the side walks and curb matter is a separate issue. He said that eventually traffic will be shared with Annabelle, Appleblossom and Brigadoon streets. The change will result in less traffic at the elementary school in the subdivision.

Paul Mallard advised that there is no statutory requirement for 120 Metre circularization for neighbourhood plans as there is for zoning. In this case everyone within 120 metres was notified in addition to all hose residents with an address on Chesley Street.

Following discussion the Committee resolved to deny the recommendation of the General Manager, Community Planning and Development Division.

(d) **Further Modification in Zoning for the South-East Corner of Chedmac Drive and Redfern Avenue (ZAR-00-26) (PDC00160)** (item 2.2)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Submissions were received from the following:'

(i) Susan and Robert Stringer, 132 Redfern Avenue, Lot 18, Hamilton
(ii) Elaine Stewart, 60 Redfern Avenue, Hamilton

Brenda Khes was present in support of the recommendation together with architect Barbara Miszkiel, and Vicki Barrett, the Vice president of Planning for St. Peter's.

Paul Mallard gave a brief overview of the staff report. Of 90 notices circulated, 11 replied in favour and 14 opposed.

Barbara Miszkiel advised that the Ministry has developed new guidelines for nursing homes to make them more residential in nature. She advised that proposal will have pods of residential development.

Ms. Khes stated that she is prepared to work with neighbourhood residents, and staff to find parking that is not disruptive. She said that traffic will not be a concern because the residents do not drive and there is not a large amount of staffing. The development will be 2 1/2 stories in height whereas the present use allows 3 stories in phase 1 and 6 stories in phase 2. The use is consistent with health care uses with significant landscaping and buffering.

Florence Leat, a patient of St. Peter's Hospital was present to give her testament to the care she has been given while at the hospital.

Bob Herd of 40 Redfern Avenue was present in support of the proposal but was concerned that many people are being told that there is a swimming pool proposed for this same property. Louis Clark of 134 Chedmac Drive and Peter Foulds of 3 Douglas Drive, Caledon, who recently purchased a

home in the neighbourhood concurred.

Angela Nicol of 36 Redfern Avenue concurred and asked what the use will be for the lands to the East of Phase 2.

Mohamed Al Kaabi of 152 Redfern Avenue was opposed because he believes the plans should not be changed.

Alderman D'Amico stated that the aquatic centre was proposed for the Toronto bid for the 1996 Olympics that did not materialize. He stated that the issues of parking and traffic will be addressed at the site plan stage. He supports it but ensures that he residents concerns will be addressed in the site plan.

Alderman Corsini stated that traffic controlling devices should be implemented in this area.

In response to a question from Alderman Copps, Ms. Barrett advised that there will be no rest bit care in this facility.

(e) **Columbia International College, Owner, for a further Modification to the Established "HH" District for 1033 Main Street West (ZAR-00-29), (PDC00164)** (Item 2.3)

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the staff report. Of 84 notices circulated, 5 replied in favour and 3 opposed.

John Ariens of Planning and Engineering Initiatives and Jim Campbell of Columbia College were present in support of the recommendation.

Mr. Ariens advised that an additional 45-50 parking spaces above and beyond that which is required are being created as a result of the Ainslie school opening and this proposal. As a result there will be less street parking and disruption to surrounding residents. He stated that he and the administration will work with area residents, staff and members of the Planning and Development Committee to resolve any concerns.

The following People were present in objection to the recommendation:

Evelyn Ohayou, 19 Dow Avenue, Hamilton
Jack Leon, 25 Dow Avenue, Hamilton
Aaron Shiftman, 15 Dow Avenue, Hamilton

They were opposed based on the following:

- behavioural problems associated with trespassing students
- safety issues associated with increased traffic
- decrease in property values
- lack of student supervision

It was suggested that there be more after hours supervision and that a high fence be erected surrounding the property.

John Ariens suggested that the student vehicular problem is from off campus students. He advised that the school has a zero tolerance policy on substance abuse that results in automatic expulsion. The issue of fencing will be addressed.

J. Campbell advised that all neighbourhood complaints will be investigated.

Following discussion, the Committee concurred that the issue be approved and brought forward to Council and that in the interim the Ward Alderman and others meet with the proponents in order to resolve neighbours concerns and should these concerns not be addressed the matter is to be referred back to Committee.

A recorded vote was called on the main motion as follows:

Recorded vote:

Yeas: Mayor Morrow, Aldermen Caplan, Corsini, Charters, Kelly -5

Nays: Aldermen Copps, D'amico -2

**Carried.**

(d) **Information Items** (Item 4.5)

That the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

(i) Commissioner, Department of Public Works and Traffic re: 12th Annual Business Development Seminar – October 23, 2000, (PWT00155) dated September 15, 2000.

(ii) Commissioner, Department of Public Works and Traffic re: Business Improvement Areas – Second Annual Excellence in Property Awards (PWT00156) dated September 14, 2000.

(iii) Commissioner, Department of Public Works and Traffic re: Downtown Hamilton Business Improvement Area (BIA) Revised Board of Management (PWT00160) dated September 20, 2000.

(e) **17 Augusta Street- Designation (PDC00158)**(Added Item)

The Committee suspended the rules of order to allow this item to be added to the agenda.

(f) **Request for a waiver of the 2 year building requirement as per bill Parks and Recreation Committee 140 for Belvidere property from Clair W. Sellens** (Item 5.1)

Alderman Kelly requested and the Committee concurred that this item be tabled to the next regularly scheduled meeting of the Planning and Development Committee in order to allow Mr. Sellens to provide additional information.

(g) **Downtown Convert/Renovate to Residential Loan Program, 11 Rebecca Street, Hamilton (HSB00016)** (Item 5.2)

Mark Mascarenhas advised the Committee that there is a typographical error in the recommendation that has omitted the word "City". The Committee corrected the recommendation as a friendly amendment.

(h) **OTHER BUSINESS**

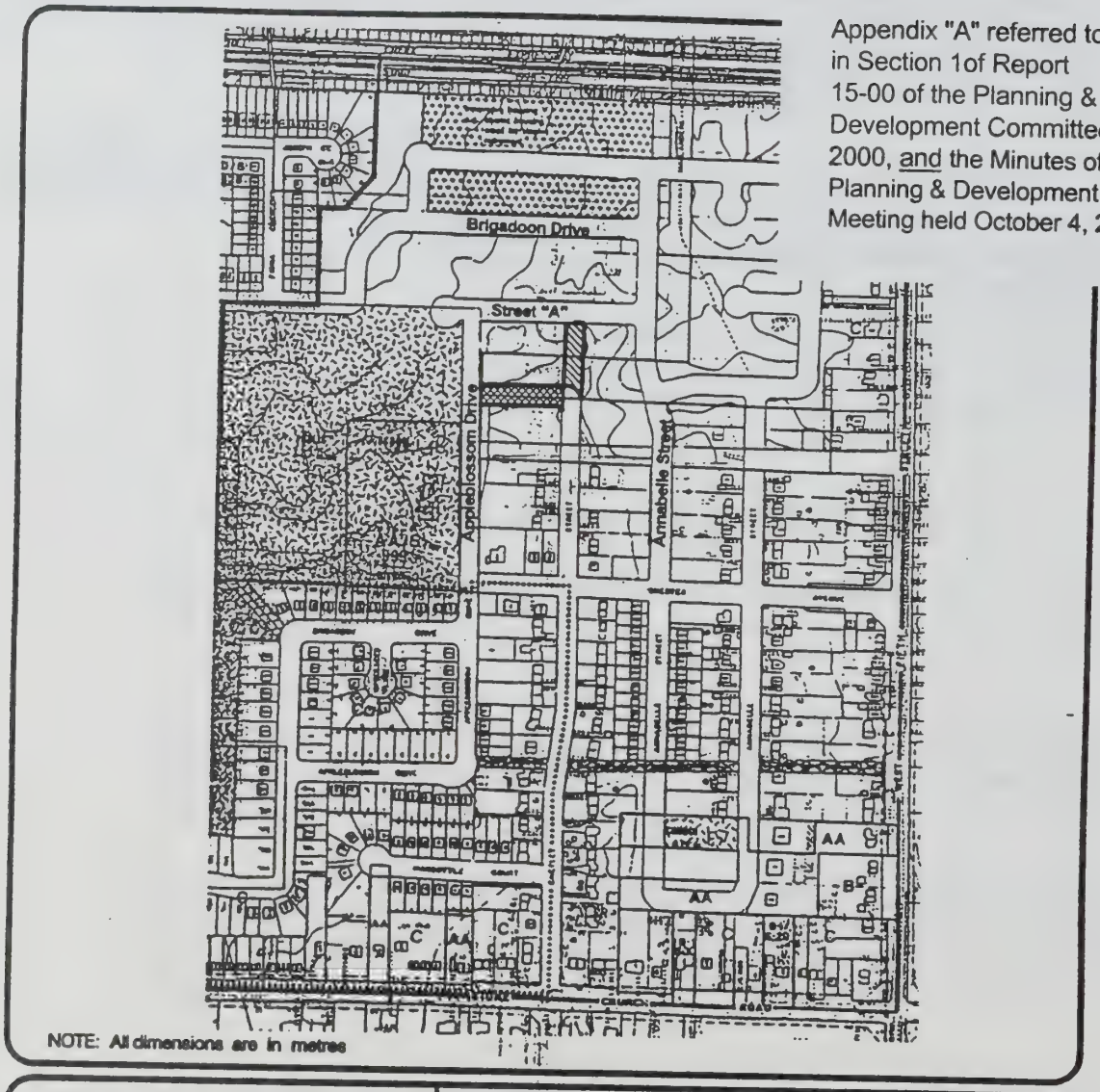
None.

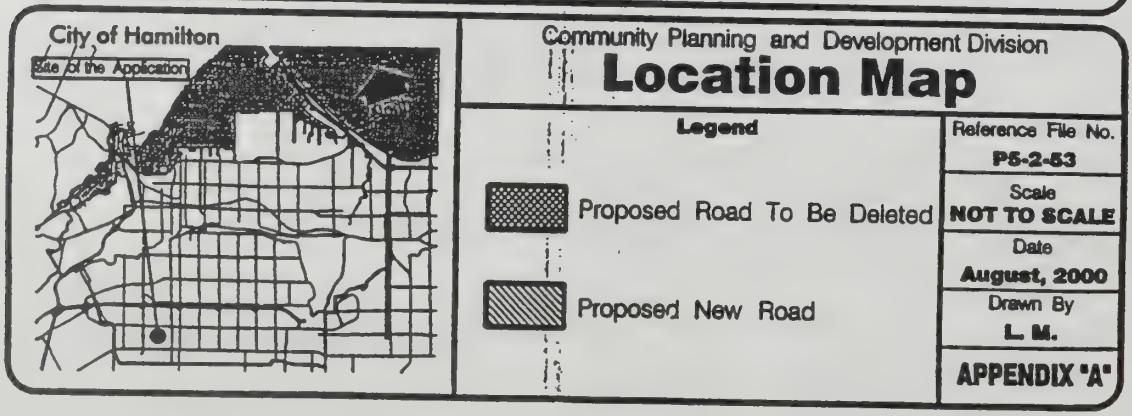
Note: The meeting of the Planning and Development Committee adjourned at 11:35 a.m.

**Alderman F. D'Amico, Chairperson**
**Planning and Development Committee**

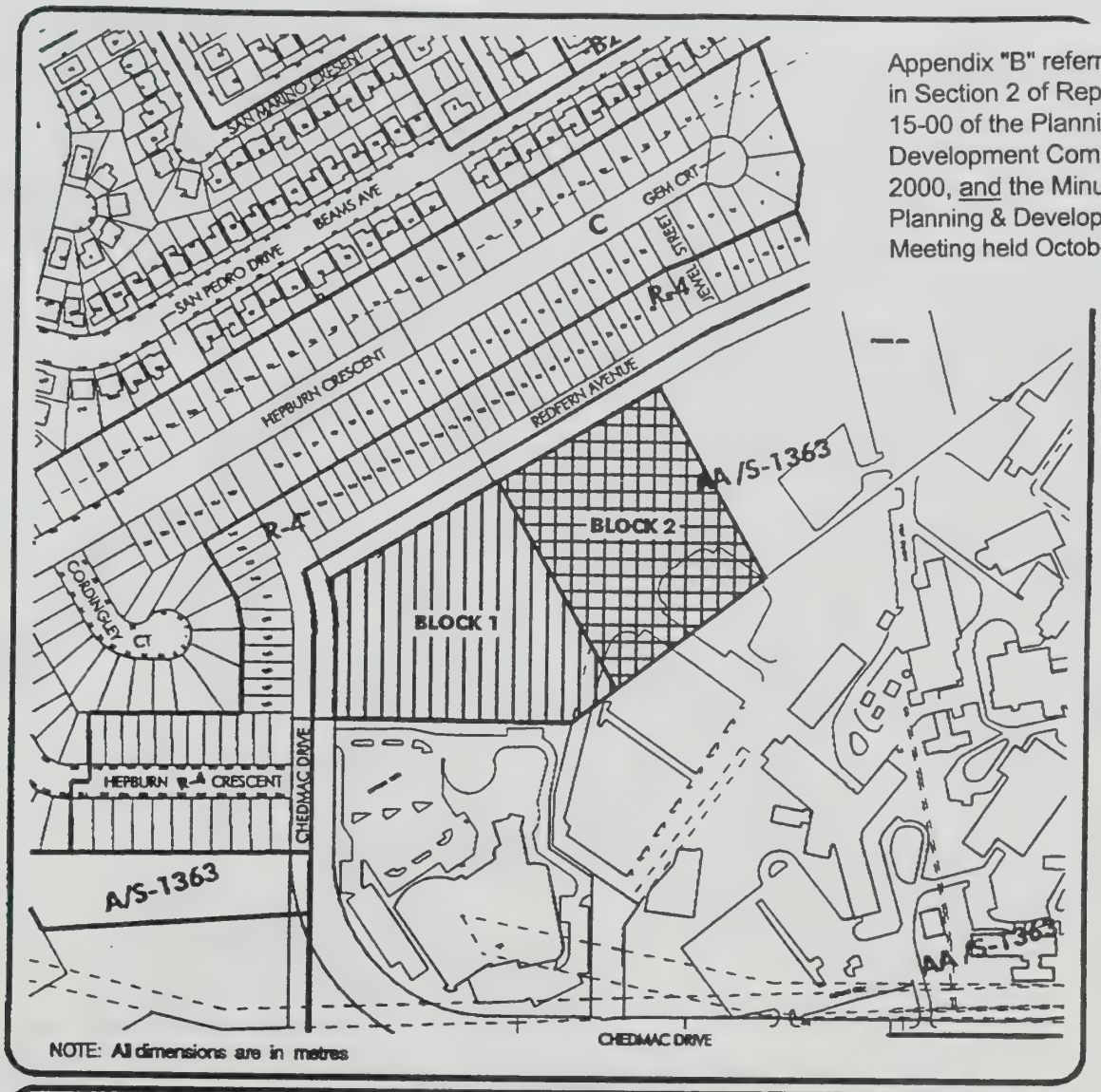
**Tina Agnello, Legislative Assistant**
**October 4, 2000**

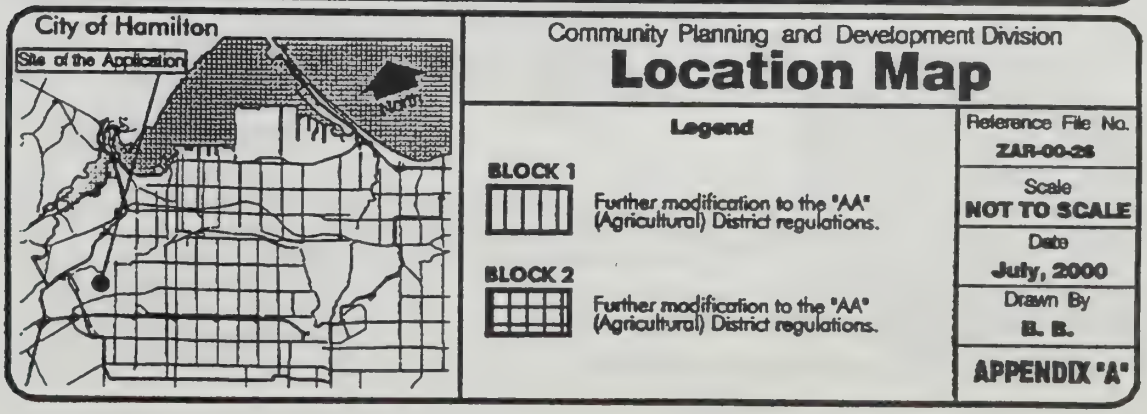
Appendix "A" referred to in Section 1of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.



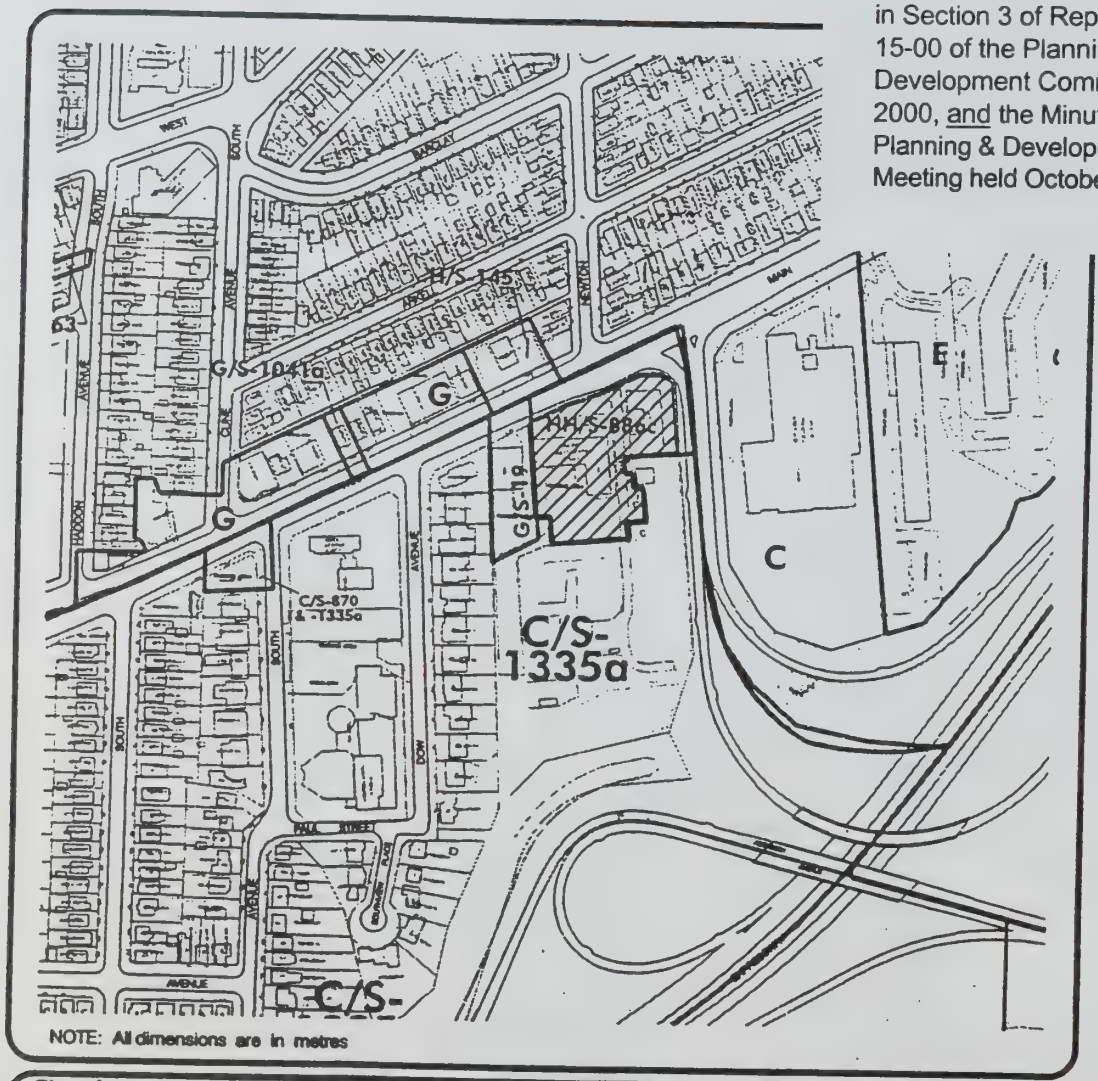



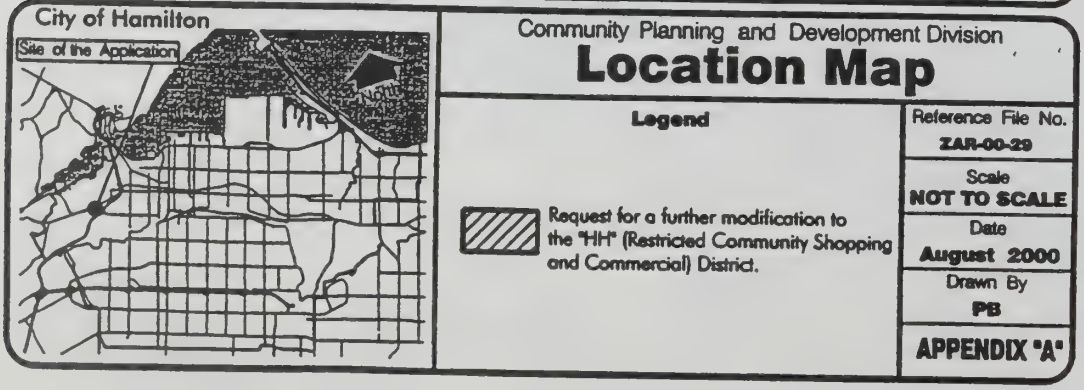
Appendix "B" referred to in Section 2 of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.



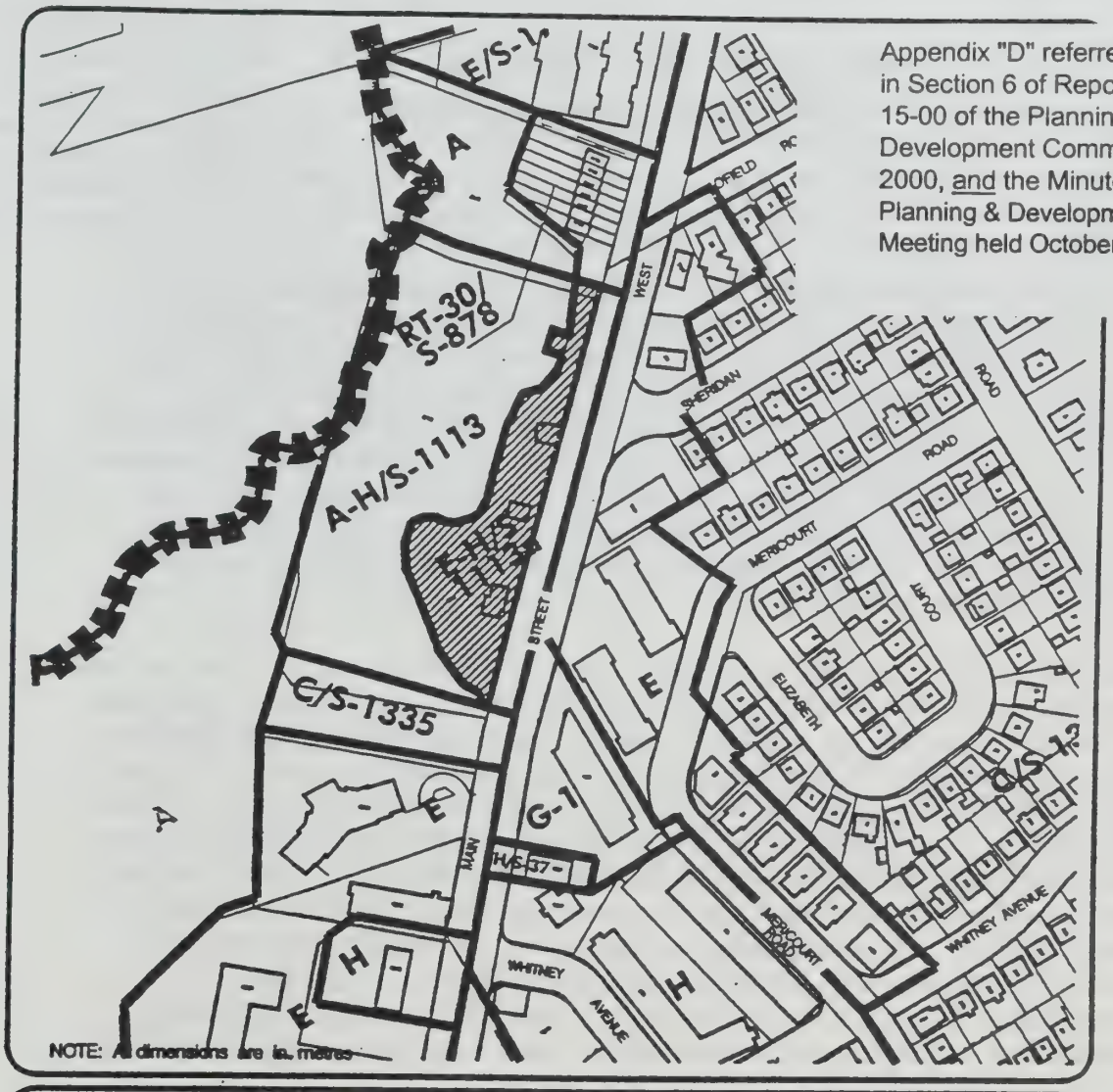



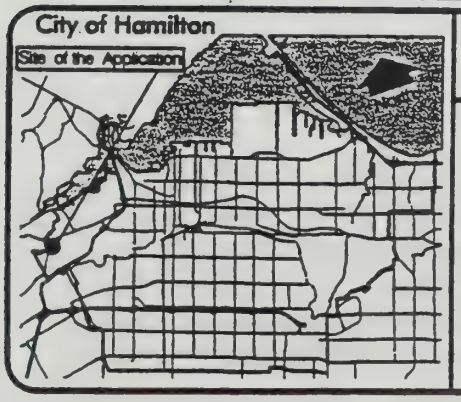
Appendix "C" referred to in Section 3 of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.



Appendix "D" referred to in Section 6 of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.




Community Planning and Development Division

# Location Map

**Legend**

Site of Application

| | |
|---|---|
| Reference File No. | ZAR-00-28 |
| Scale | NOT TO SCALE |
| Date | July, 2000 |
| Drawn By | B. E. |
| | APPENDIX "A" |

# REASONS FOR DESIGNATION
# 17 Augusta Street, Hamilton

Appendix "E" referred to in Section 8 of Report 15-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 4, 2000.

## Context

The 2 1/2 storey late Victorian brick house at 17 Augusta Street was built in the area of Hamilton known as Corktown (named after the city of Cork in Ireland). As early as the 1840s, many of Hamilton's Irish immigrants settled south of Main Street in the area between James and Catharine Streets. By the 1890s, Corktown had evolved into a densely populated residential area. Augusta Street between James and John, was continuously lined with 1 to 2 1/2 storey houses. One block to the north was the new Toronto Hamilton & Buffalo Railway line, with its Victorian railway station at the north-east corner of Hunter and James. In the block north of Augusta and east of Hughson was an open air market square known as the Hay Market.

Since the 1950s, the tightly-knit urban fabric of the northern part of Corktown has been steadily eroded by the demolition of 19th century buildings, with some sites left vacant (now parking areas) and others redeveloped for high-rise apartment and office buildings. Today the house at 17 Augusta Street forms part of a small enclave of historic buildings extending along Augusta east of James to Hughson and south on Hughson to Haymarket Street. These buildings largely comprise detached or semi-detached houses dating from the mid to the late 19th century and converted in recent years to restaurants and other commercial uses. This building cluster is now surrounded by parking lots and post-war construction. Notable landmarks in the immediate vicinity include the T.H. &B Station, completed in 1933 and renovated in the 1990s to serve as the Hamilton GO Centre, and the St. Charles Garnier Roman Catholic Church erected in 1966 at the south-east corner of Augusta and Hughson.

## History

The house at 17 Augusta Street appears to have been erected in 1895 for Thomas J. Leatherdale, a photographer, who sold it to William Crowther Jr., a chiropodist, in 1897. The property was owned and occupied by the Crowther family until 1911, when it was sold to Frances Stephenson. It then underwent several more changes of ownership before being purchased by the current owner in 1986. In 1989, the house was renovated and substantially enlarged by a one-storey rear addition for use as a restaurant.

Architecture

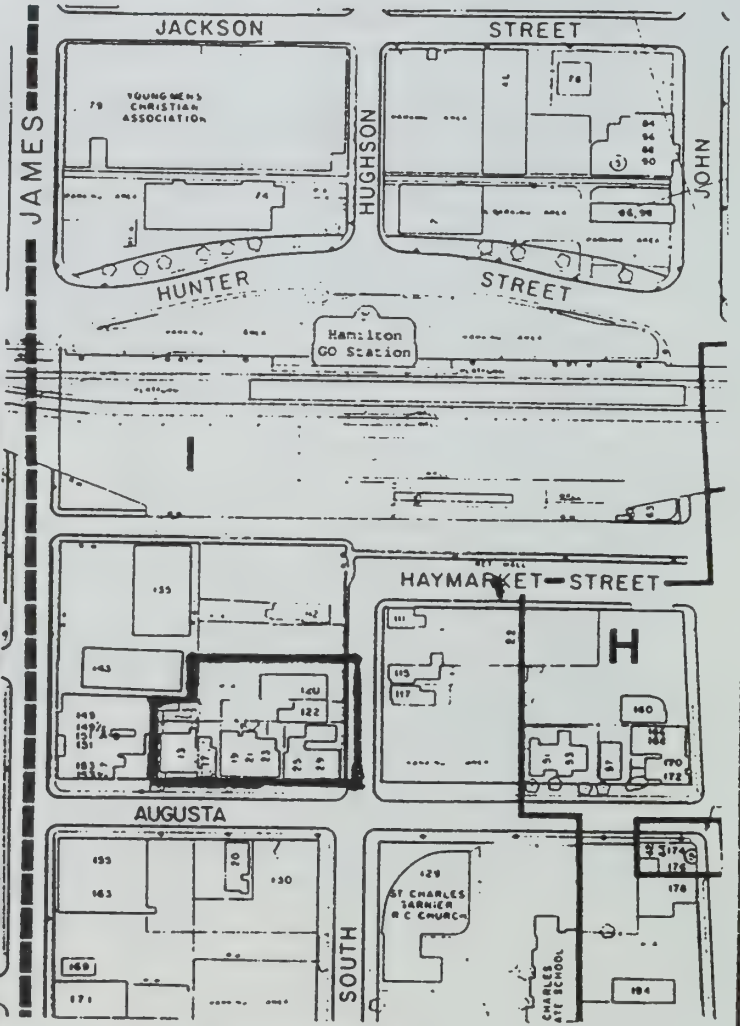
17 Augusta Street is typical of the late Victorian brick houses and terraces erected in the Corktown neighbourhood. The configuration of the doorway and windows of the front facade, similar to the house next door at 19 Augusta Street, consists of a side entrance with a single door surmounted by a stained glass transom light, a projecting hexagonal bay window with stained glass panels above the three windows, and single and paired upper storey windows with segmentally-arched brick lintels and contrasting keystones (now painted the same colour as the brick masonry). The bay window is embellished with four colonnettes and a decorative moulding below the roof soffit. Typical of Hamilton's terrace housing are the parapet end walls with stone corbels and built-in chimneys, a less common feature of detached housing but not unusual in Corktown. The gabled dormer over the paired windows appears to be an early 20th century addition. More recent changes include the removal of the four chimneys built into the parapet walls, the replacement of the original wood sash windows on the second storey with fixed pane thermopane units, and the installation of a new front door in 1989.

Designated Features

Important to the preservation of 17 Augusta Street are the original architectural features of the front (south), east and west facades, including the four stained glass transom windows, but excluding the front door and any added or replacement windows.

## 17 Augusta Street






Section of the Corktown zoning map.

17 Augusta is located in an area previously identified as a potential heritage conservation district. This area is identified by the boundary in the above map, and the house itself is shaded.

# FINANCE AND ADMINISTRATION COMMITTEE

# REPORT

## CITY OF HAMILTON
## FINANCE AND ADMINISTRATION COMMITTEE

**Tuesday, October 3, 2000**
**9:30 a.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

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| | |
|---|---|
| **Present:** | **City Finance and Administration Committee**<br>Alderman D. Wilson (Chairman), Alderman D. O'Sullivan (Vice-Chairman), Aldermen M. Caplan, D. Haining, C. Collins, B. Charters, B. Kelly |
| **Regrets:** | Mayor R. Morrow - City business<br>Alderman A. Horwath - medical reasons |
| **Also present:** | T. Bradbury, M. Hazell, L. Bourns, R. Fair, H. Kayal, Deputy Fire Chief K. Knoflook, K. Nutley, B. McMullin, Kathryn Davies, KPMG, Franca Fracassi, KPMG, S. Reeder |

Alderman D. O'Sullivan, Vice-Chairman called the meeting to order.

**THE FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 15-00 AND RESPECTFULLY RECOMMENDS:**

1. **1999 Hamilton Municipal Retirement Fund Pension Financial Statements (FIN00104)** (Item 1)

   (a) That the 1999 Audited Financial Statements contained in Report FIN00104 be approved; and,

   (b) That the Acting General Manager of Finance be directed to forward the 1999 Audited Financial Statements for the Pension Fund for the Hamilton Municipal Retirement Fund to the Financial Services Commission of Ontario.

2. **Hamilton Fire Stations No. 10, Major Renovations, Expansion and Ambulance Station Inclusion, Approval of Construction Contract Award (CSC00130)** (Item 3)

(a) That staff be authorized to issue a Purchase Order to G. S. Wark of Hamilton in the amount of One Million Five Hundred and Thirty One Thousand Dollars ($ 1,531,000) including applicable taxes of Ninety Five Thousand Seven Hundred and Ten Dollars ($ 95,710) for Hamilton Fire Station No. 10 Major Renovations and Expansion and Ambulance Station Inclusion as detailed in the Contract Documents C3-1600 issued in August 2000; and,

(b) That a contract satisfactory to Corporate Counsel be entered into between the City and the Contractor; and,

(c) That the Mayor and the Acting Municipal Clerk be authorized to execute the contract on behalf of the City; and,

(d) That the General Manager of the Community Services Division be authorized to expend a project contingency of Two Hundred Thousand Dollars ($ 200,000) for unforeseen an additional project requirements.

3. **Declaration of Surplus Property/Sale of part of Bedford Street; Sale to Muraca (CS00029)** (Item 4)

(a) That the lands forming part of the unopened road allowance of part of Bedford Street being Parts 28 and 29, Plan 62R-12578, be declared surplus to the requirements of the City in accordance with Real Property Sales Procedural By-law 95-049; and,

(b) That the Real Estate Section, Facilities Management Department be authorized and directed to sell the subject properties in accordance with the Real Property Sales Procedural By-law 95-049 and,

(c) That an Offer to Purchase (Highway Closure) for the unopened road allowance of part of Bedford Street, being Parts 28 and 29, Plan 62R-12578 for the price of $2,000 to be executed by Lena Muraca, be accepted. The sale is conditional upon the City enacting a By-Law to authorize the stop-up, closure and sale of Parts 28 and 29, Plan 62R-12578. The said transaction is scheduled to close on or before December 29, 2000. Funds derived from this sale be credited to Account No. COHAM 47702-100035 (Reserve for Property Purchases – Sales ); and,

(d) That the required deposit cheque in the amount of $200 be held by the General Manager of Finance pending Council approval; and,

(e) That Corporate Counsel be authorized and directed to prepare the necessary transfer and By-Law documents; and,

(f) That in accordance with the City's Real Property Sales Procedural By-Law No. R95-049 for the Sale of Real Property:

(1) satisfactory notice has been given to the public of the intended sale through advertisements in the Hamilton Spectator on August 4, 11, 18 and 25, 2000; and,

(2) no appraisal of fair market value of the real property intended to be sold has been obtained as Highway (Public Highway) Closures and Sales are exempt from the appraisal requirement of Section 193 of the Municipal Act; and,

(3) That the Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to to Section 193 of the Municipal Act.

4. **Authorization to enter into Extension Agreements on specific properties for the payment of realty tax arrears (FIN00107)** (Item 6)

(a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the Corporate Counsel and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owners as outlined in Bill D-039 contained in Report 15-00 of the Finance and Administration Committee, to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on June 28, 1994; and,

(b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,

(c) That the Mayor and Acting Municipal Clerk be authorized to execute the aforesaid by-law and extension agreements.

5. **Voluntary Early Retirement Program/Voluntary Exit Program - Transition Board Report TB0014 (CM0021)** (Item 7)

That the Voluntary Early Retirement Program/Voluntary Exit Program developed by the Transition Board be received.

6. **Bills**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) D-039 A By-law to Authorize an Extension Agreement for payment of Realty Tax Arrears.

(b) D-040 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

**FOR THE INFORMATION OF CITY COUNCIL:**

(a) **Declarations of Interest** (Item 1)

None declared.

(b) **Information Item** (Item f)

The Committee received the Information Report of the Acting General Manager of Finance respecting the Transition Board Budget (FIN00099)

(c) **Minutes** (Item g and h)

The Committee approved the minutes of their meeting held on Tuesday, June 6, 2000 and Tuesday, June 20, 2000.

(d) **Hamilton Fire Department 3-Year Business Plan Strategy Update (CSC00134)** (Item 2)

The Committee agreed to table Report CSC00134 and request that the General Manager, Community Services report back on alternatives.

(e) **Declaration of Surplus Property - Cherryridge Close, Part of Block 37, Plan 62M-480; Part 1, Plan 62R-15501 (CS00028)** (Item 5)

At the request of Alderman Collins, the Committee agreed to table this matter to the next meeting in order that the Ward Alderman can have the opportunity to discuss this issue with the neighbourhood residents.

(f) **Other Business** (Item 8)

The Committee requested that the Clerk review and report back on the City's Policies respecting the releasing of confidential information by elected officials to the media.

Note: The meeting of the City Finance and Administration Committee adjourned at 10:30 a.m.

**Alderman D. Wilson, Chairman**
**City Finance and Administration Committee**

**Susan K. Reeder,**
**Acting Manager of Legislative Services/Records**
**October 3, 2000**

# REPORT OF HIS WORSHIP MAYOR MORROW

# REPORT

## CITY OF HAMILTON
## HIS WORSHIP MAYOR
## ROBERT M. MORROW

**Monday, September 18, 2000**

---

**THE MAYOR PRESENTS REPORT 02-00 AND RESPECTFULLY RECOMMENDS:**

1. **Mayor's Committee Against Racism and Discrimination Sponsored Workshop on Revised Sub-Committee Structure**

   (a) That the attached Minutes of the Mayor's Committee Against Racism and Discrimination sponsored workshop, held September 13, 2000, and attached hereto as Appendix "A", be received and referred to the new City Council for consideration;

   (b) That the following recommendations from the Mayor's Committee Against Racism and other members of the Community be referred to the new City Council for consideration:

      (i) That a structure be put in place that ensures issues of Access, Equity and Human Rights are reflected in the actions of all areas of the new corporation and Council; and,

      (ii) That one of the functions of a Co-ordination and Monitoring Committee is to see that Council holds itself accountable to the community and that the corporation continues to monitor that it is in fact moving forward on issues of Access, Equity and Human Rights.

**Mayor R.M. Morrow**

**Stella Glover, Legislative Assistant,**
**September 18, 2000**

Appendix "A" as referred to in
Section 1(a) of the Mayor's Report 02-00

# MINUTES

## CITY OF HAMILTON
## MAYOR'S COMMITTEE AGAINST RACISM AND DISCRIMINATION

## WORKSHOP TO EXPLORE IDEAS FOR COMMITTEE STRUCTURES FOR GROUPS WITH ACCESS AND EQUITY ISSUES

**Wednesday, September 13, 2000**
**7:00 p.m.**
**Council Chamber, Hamilton City Hall**
**71 Main Street West, Hamilton**

---

**Present:**

Ald. Andrea Horwath – Mayor's Ctte Against Racism & Disc.
Ald. Marvin Caplan – Mayor's Ctte Against Racism & Disc.
Vilma Rossi – Mayor's Ctte Against Racism & Disc.
Vincent Samuel – Mayor's Ctte Against Racism & Disc.
Pat Saunders – Mayor's Ctte Against Racism & Disc.
JoAnn Savoie – Mayor's Ctte Against Racism & Disc.
Joan MacDonald, Mayor's Status of Women Committee
Geneva Neale – Mayor's Status of Women Committee
Elize Hartley – Mayor's Status of Women Committee
Marg. Kowalski - Canadian Heritage
Carolann Fernandes - Mundialization Committee
Neville Nunes - Mundialization Committee
Douglas Davies – United Nations Association
Sheila Davies – Childrens International Learning Centre
Norma Berti – Council of Women
Mary Sinclair
Harry Chung
Stella Glover

Alderman A. Horwath, Chairperson, called the meeting to order.

## 1. Welcome

Ald. Horwath welcomed and thanked everyone for attending. She explained that the reason for the workshop was to explore ways in which access and equity issues may be brought forward by the community to the New City of Hamilton. It was then the intention to take this information back to the Mayor's Committee Against Racism and Discrimination and ask them to take it forward to the Transition Board and City Council.

## 2. Introductions

Persons present identified themselves, and their particular interest and reasons for attending.

## 3. Committee Models

Ald. Caplan spoke of three models for consideration:

1. Status Quo retaining the same ideas

2. An Umbrella "Access and Equity Committee" with specific issue oriented sub-committees

3. External Committees which would stand alone and be funded by the City e.g.Vision 2020 and United Disabled Consumers

## 4. Status Quo

Ald. Horwath explained the status quo, being the present system whereby special interest committees report to Standing Committees, who if they are in agreement, take the recommendations/request forward to Council. Two exceptions to these are the Mayor's Committee Against Racism and Discrimination and the Mayor's Status of Women Committee, who both report directly through the Mayor to City Council.

## 5. External Committees

An external committee system was considered where special interest groups would be autonomous but would apply to Council for grants. The benefit to these groups (other than financial) was questionable as they would not necessarily provide information and/or have input to Council. Funding and support may be more vulnerable under this model as the new City makes efforts to reduce its budgets over time.

## 6. Other Needs Identified

General discussion ensued and the following Other Needs were identified:

- an office (staffed and resourced by the City) for Access and Equity Issues to ensure implementation and follow up (An Access and Equity Unit);
- Council needs to be more reflective of the community;
- the New City provides an opportunity to have issues addressed in all areas (i.e. where they do not presently exist);
- safety and security are underlying common themes;
- employment equity;
- offices of Access and Equity Committee to be accessible.

## 7. Access, Equity and Human Rights Umbrella Committee

The pros and cons of this model were considered:

**Pros:**

- cross pollination;
- better for Committee of the Whole system (COW);
- sends a message of importance;
- strong voices separately and even stronger voice under an umbrella;
- greater clarity (for members of Council);

**Cons:**

- people have to choose the area of interest/priority issue;
- possible reduction of strength of issue;
- Council is perhaps less accountable because it has fewer committees to "answer to";

- equity and access are two different issues and run the risk of melding them together and losing their separate importance;
- language is a concern.

After a short recess the consensus was that the Umbrella model had some merit and further consideration was given to this model:

The Co-ordinating and Monitoring Umbrella Committee:

- is to have representatives from each Priority Issues Committee;
- is to have political representatives;
- job is to flow recommendations from the Priority Issues Committees to the Corporation for implementation;
- is to monitor/track recommendations on how implemented;
- IS NOT TO filter recommendations of Priority Issues Committees;
- Is to identify corporate issues to be disseminated and dealt with by Priority Issues Committees;
- both internal staff and external people will be invited to participate as resource people.

Sub-Committee Members:

- a level of knowledge and understanding should exist;
- "Selection Committee" should be at least 50% Community membership - Co-ordinating Committee to be Selection Committee;
- New Council will consult with "pre-2001" committee members re membership of new Priority Interest Committees;
- Priority Issue Committees to determine own processes for decision making and self select for succession;
- Consists of community members only with attending politician.

Priority Issues Committees:

Suggestions for Priority Issues for the new City of Hamilton included:

- Aboriginal affairs
- Disability Issues

- Status of Women
- Anti-racism and Ethno Cultural Issues
- Lesbian, Gay, Bi-Sexual and Transgendered Issues
- Seniors Issues
- Youth Issues
- Immigrant and Refugee Issues

As time was running out, Alderman Horwath invited anyone who was interested in pursuing this matter further to attend the next meeting of the Mayor's Committee Against Racism and Discrimination on Monday, September 18 at 5:15 p.m. in Room 219, Hamilton City Hall, where this item will be on the Agenda.

**8. Forum/Consultation on Immigrant and Refugee Issues**

Ald. Caplan invited everyone to attend the Forum/Consultation on Immigrant and Refugee Issues which is being hosted by the Advisory Committee on Immigrant and Refugee Issues on Saturday, September 16, 2000 at Cathedral High School.

Note: The workshop adjourned at 10:30 p.m.

**Alderman Andrea Horwath, Chairperson**
**Mayor's Committee Against Racism and Discrimination**

S.M. Glover

**Stella Glover, Legislative Assistant,**
**September 13, 2000**

# NOTICE OF MOTION
# FROM PREVIOUS MEETING

## NOTICE OF MOTION FOR NEXT MEETING

Alderman Collins gave notice that he would move at the next regular meeting of City Council the following motion with respect to free on-street parking in the downtown core:

(a) That free on-street parking in the downtown core (500 metered parking spaces in the area bounded by Bay, York/Wilson, Wellington and Jackson) be offered and that the Finance and Administration Committee be requested to recommend a method of financing the lost revenues (approximately $45,000); and,

(b) That on-street parking in the downtown core be limited to 2 hours from 8:00 am to 6:00 p.m., Monday to Saturday; and,

(c) That the City Traffic By-law No. 89-072 be amended accordingly; and,

(d) That the Regional Council be requested to amend the Regional Traffic By-law R89-038; and,

(e) That staff report back, after consultation with various stakeholders such as the International Village and Downtown B.I.A.'s with the results of the experiment.

# BILLS

## CITY OF HAMILTON
## CITY COUNCIL

**Tuesday, October 10, 2000**
**7:30 p.m.**
**Council Chambers, Hamilton City Hall**
**71 Main Street West, Hamilton**

| | |
|---|---|
| A-054 | A By-law to alter Chedmac Drive from Hepburn Crescent to approximately 230M southeasterly by realigning the roadway adjacent to the Twin Pads Arena and to construct the new road to an urban cross section. |
| A-055 | A By-law to establish, widen and layout city land designated as Parts 3, 5, 14, 15, 16, 17 and 25 on reference Plan 62R-15300 into Chedmac Drive. |
| A-056 | A By-law to Stop up, Close and retain the portion of Chedmac Drive known as Parts 18, 19, 22 and 23 on Plan 62R-15300 |
| A-057 | A By-law to amend By-law No. 89-072 to Regulate Traffic. |
| A-058 | A By-law to amend By-law No. 89-072 to Regulate Traffic. |
| C-069 | A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 158 and 166 Stone Church Road West. |
| C-070 | A By-law to amend Zoning By-law No. 6593 as amended by zoning By-laws No. 89-126 and 89-178 respecting lands located at Municipal Nos. 1780, 1790, 1796 and 1808 Main Street West. |
| C-071 | A By-law to adopt Official Plan Amendment No. 168 respecting land located east of Lake Avenue North and South of Strawberry Drive, Riverdale East Neighbourhood. |
| C-072 | A By-law to amend Zoning By-law No. 6593 respecting lands located East of Lake Avenue North and South of Strawberry Drive. |
| D-039 | A By-law to authorize an extension agreement for payment of Realty Tax Arrears. |
| D-040 | A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton. |

Bill No. A-054

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO ALTER CHEDMAC DRIVE FROM HEPBURN CRESCENT TO APPROXIMATELY 230M SOUTHEASTERLY BY REALIGNING THE ROADWAY ADJACENT TO THE TWIN PADS ARENA AND TO CONSTRUCT THE NEW ROAD TO AN URBAN CROSS SECTION

**WHEREAS** the Council of the Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act. Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway;

**AND WHEREAS** the portion of highway known as Chedmac Drive is a local road under the jurisdiction of The Corporation of the City of Hamilton;

**AND WHEREAS** Notice of the City's intention to pass this By-law to authorize the said alteration has been published as required by Section 300 and 301 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton:

**AND WHEREAS** the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the alterations, realignment and diversion of Chedmac Drive be approved and constructed from Hepburn Crescent to a point approximately 230m southeasterly for the purposes of realigning and constructing an urban cross section and a three-leg intersection with a proposed future subdivision roadway as illustrated in Schedule "A" attached hereto,

2. That the Mayor and Municipal Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all documents or contracts necessary for the construction of the said works.

**PASSED** this 10th day of October A.D. 2000

Acting Municipal Clerk

Mayor

Bill No. A-055

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO ESTABLISH, WIDEN AND LAYOUT CITY LAND
DESIGNATED AS PARTS 3, 5, 14, 15, 16, 17 AND 25
ON REFERENCE PLAN 62R-15300 INTO CHEDMAC DRIVE

**WHEREAS** the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

**AND WHEREAS** the Council of the Corporation of the City of Hamilton deems it necessary to establish, widen, layout the lands described below into the public highway known as Chedmac Drive within its limits;

**AND WHEREAS** Notice of the City's intention to pass this By-law has been published as required by Section 300 and 301 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton:

**AND WHEREAS** the said land is owned by the Corporation of the City of Hamilton.

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and layed out as a public highway to form part of Chedmac Drive.

   Parts 3, 5, 14, 15, 16, 17 and 25 on Reference Plan 62R-15300,
   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 10th day of October A.D. 2000

Acting Municipal Clerk

Mayor

Bill No. A-056

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO STOP-UP, CLOSE AND RETAIN THE PORTION OF CHEDMAC DRIVE KNOWN AS PARTS 18, 19, 22 AND 23 ON PLAN 62R-15300

**WHEREAS** the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

**AND WHEREAS** the Council of the Corporation of the City of Hamilton deems it necessary to stop, close and retain the public highway known as Chedmac Drive and described below:

**AND WHEREAS** Notice of the City's intention to pass this By-law has been published as required by Section 300 and 301 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton:

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following public highway, being part of Chedmac Drive, is hereby stopped-up and closed.

   Parts 18, 19,22 and 23 on Reference Plan 62R-15300,
   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to stop-up, close and retain the said public highway.

3. That this by-law not come into force and take effect until such time as the Regional Municipality of Hamilton-Wentworth notifies the City that it has no objection to the closure and until such time as the By-law is registered in the Land Registry Office (No. 62)

**PASSED** this 10th day of October A.D. 2000

Acting Municipal Clerk

Mayor

Bill No. A-057

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

**WHEREAS** Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

**AND WHEREAS** Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

**AND WHEREAS** on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law 89-72, as amended;

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

| | | | | | |
|---|---|---|---|---|---|
| "Locke | Both | Hunter to Herkimer | 2 hr | 8 am - 6 pm | Mon - Sat |

and by deleting therefrom the following items, namely:-

| | | | | | |
|---|---|---|---|---|---|
| "Locke | East | Hunter to Herkimer | 3 hr | 8 am - 6 pm | Mon - Sat |
| Locke | West | Hunter to Herkimer | 1 hr | 8 am - 6 pm | Mon - Sat" |

2. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

| | | | | |
|---|---|---|---|---|
| "Hughson | West | commencing 75 feet south of King and extending 200 feet southerly therefrom | 9 am - 4 pm | Mon - Fri |
| Barnesdale | East | King to Cannon | | Anytime |
| Argyle | North | Carlisle to Edgar | | Anytime |
| Corinaldo | North & East | commencing 33 feet east of the east curb line of Corinaldo and extending 93 feet northerly therefrom | | Anytime" |

and by deleting therefrom the following item, namely:-

| | | | |
|---|---|---|---|
| "Princess | North | Gibson to 55 ft. west | Anytime" |

and by deleting therefrom the following items, namely:-

| | | | |
|---|---|---|---|
| "Somerset | North | commencing at a point 302 feet west of Barnesdale to a point 20 feet westerly therefrom | Anytime |
| Somerset | South | commencing 294 feet west of Barnesdale and extending 19 feet westerly therefrom | Anytime" |

5. In all other respects By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.

6. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 10th day of October, 2000.

ACTING MUNICIPAL CLERK MAYOR

Bill No. A-058

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

**WHEREAS** Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

**AND WHEREAS** Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

**AND WHEREAS** on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law 89-72, as amended;

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

| | | |
|---|---|---|
| "Franklin | Eastbound and Westbound | East 25th " |

2. That **Schedule 30 (Commercial Vehicle Loading Zones)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following item, namely:-

| | | | | |
|---|---|---|---|---|
| "Hughson | West | 200 feet | 75 feet south of King | 9:00 a.m. - 4:00 p.m." |

3. In all other respects, By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.

4. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 10th day of October, 2000.

ACTING MUNICIPAL CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT
MUNICIPAL NOS. 158 AND 166 STONE CHURCH ROAD WEST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9C of the District Maps appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED** this 10th day of October A.D. 2000.

ACTING MUNICIPAL CLERK MAYOR

(2000) 00-14 R.P.D.C. 2, September 26
James Zaborsky and Bestco Construction Corporation, Prospective Owners
ZAR-00-24

Bill No. C-070

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-laws No. 89-126 and 89-178

Respecting:

**LANDS LOCATED AT**
**MUNICIPAL NOS. 1780, 1790, 1796 AND 1808 MAIN STREET WEST**

**WHEREAS** the Council of The Corporation of the City of Hamilton passed By-law No. 89-126 on the 25th day of April, 1989 to rezone Block 1 from "C" (Urban Protected Residential, etc.) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District, modified and Block 2 from "C" (Urban Protected Residential, etc.) District to "E" - 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified and to establish special requirements with respect to Blocks 1 and 2, the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

**WHEREAS** the Council of The Corporation of the City of Hamilton passed By-law No. 89-178 on the 30th day of May, 1989, amending By-law No. 89-126 to provide modifications with respect to the size of the required loading spaces on Block "2";

**AND WHEREAS** Section 2 of By-law No. 89-126 provides that upon approval of Site Plans, including such lot grades between the rear of the building and the new proposed top-of-bank as the City deems necessary, the 'H' symbol shall be removed by amendment to By-law No. 89-126;

**AND WHEREAS** Site Plan Application DA-00-27 has been approved, including such lot grades between the rear of the building and the new proposed top-of-bank, as the City deems necessary;

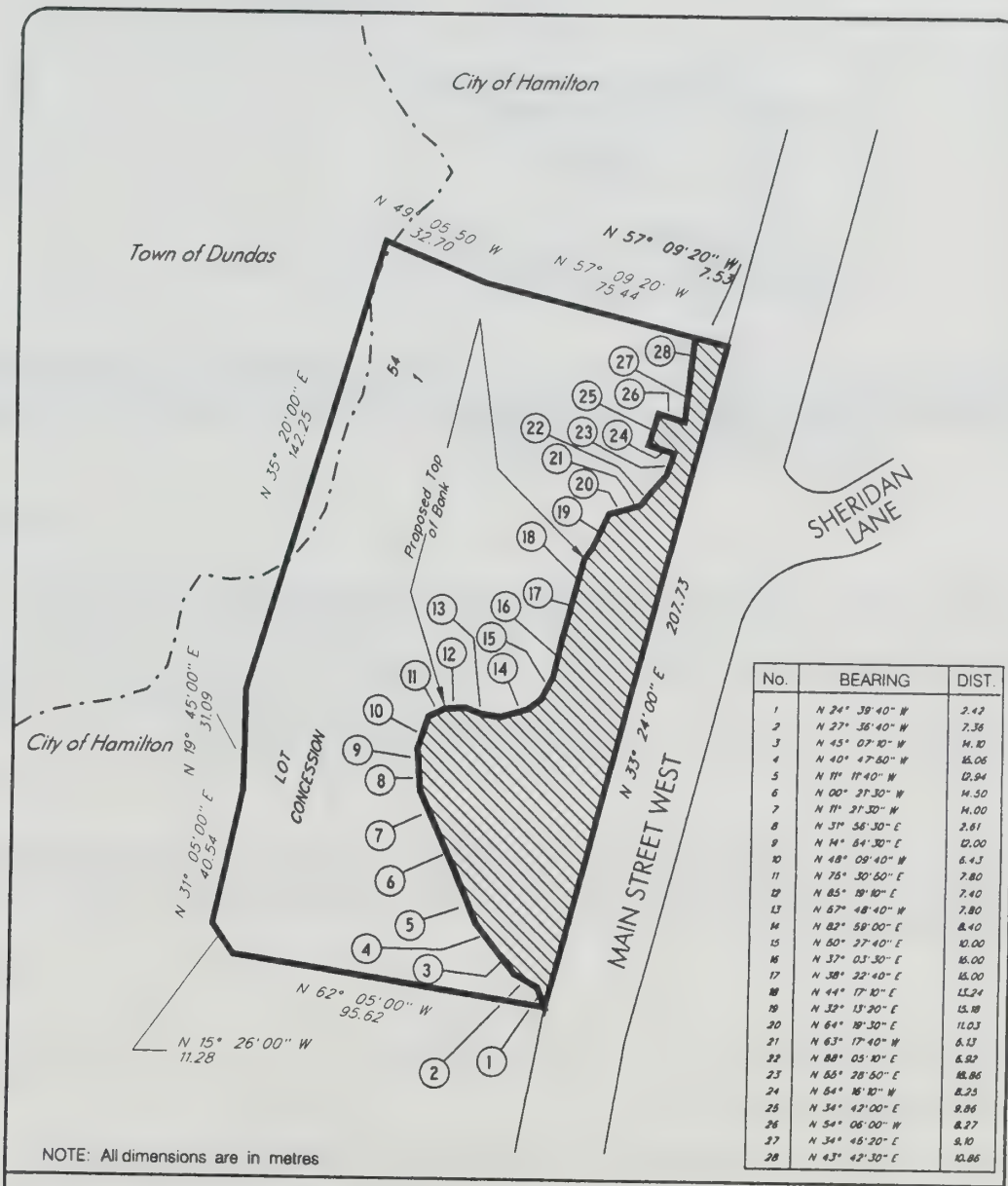
**AND WHEREAS** this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

**AND WHEREAS** City Council in adopting Item of the Report 00- of the Planning and Development Committee at its meeting held on the 10th day of October, 2000, directed that By-law No. 89-126, as amended by By-law No. 89-178, be further amended to remove the 'H' (Holding) symbol in respect of Block "2" of the subject lands.

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 89-126 on the 25th day of April, 1989 to the "E" - 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified, (Block "2"), the extent and boundaries shown on a plan annexed as Schedule "A" to By-law No. 89-126 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in Section 4. Of by-law No. 89-126, as amended by By-law No. 89-178.

2. Sheets No. W-50 and W-51 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 89-126,




| No. | BEARING | DIST. |
|---|---|---|
| 1 | N 24° 39' 40" W | 2.42 |
| 2 | N 27° 36' 40" W | 7.36 |
| 3 | N 45° 07' 10" W | 14.10 |
| 4 | N 40° 47' 50" W | 16.06 |
| 5 | N 11° 11' 40" W | 12.94 |
| 6 | N 00° 21' 30" W | 14.50 |
| 7 | N 11° 21' 30" W | 14.00 |
| 8 | N 31° 56' 30" E | 2.61 |
| 9 | N 14° 54' 30" E | 12.00 |
| 10 | N 48° 09' 40" W | 6.43 |
| 11 | N 76° 30' 50" E | 7.80 |
| 12 | N 85° 19' 10" E | 7.40 |
| 13 | N 67° 48' 40" W | 7.80 |
| 14 | N 82° 58' 00" E | 8.40 |
| 15 | N 50° 27' 40" E | 10.00 |
| 16 | N 37° 03' 30" E | 16.00 |
| 17 | N 38° 22' 40" E | 16.00 |
| 18 | N 44° 17' 10" E | 15.24 |
| 19 | N 32° 13' 20" E | 15.18 |
| 20 | N 64° 19' 30" E | 11.03 |
| 21 | N 63° 17' 40" W | 6.13 |
| 22 | N 88° 05' 10" E | 6.92 |
| 23 | N 55° 28' 50" E | 18.86 |
| 24 | N 84° 16' 10" W | 8.23 |
| 25 | N 34° 42' 00" E | 9.86 |
| 26 | N 54° 06' 00" W | 8.27 |
| 27 | N 34° 45' 20" E | 9.10 |
| 28 | N 43° 42' 30" E | 10.86 |

NOTE: All dimensions are in metres

This is Schedule "A" to By–Law No. 00 –.....

Passed the ..... day of ....., 00.

Clerk

Mayor

City of Hamilton

# Schedule "A"

Map Forming Part of By–Law No. 00–____

to Amend By–Law No. 6593

Community Planning and Development Division

**Legend**

Change in zoning from:

"E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. – Holding) District, modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified

| North | Scale | Reference File No. |
|---|---|---|
| | NOT TO SCALE | ZAR-00-28 |
| | Date | Drawn By |
| | OCTOBER, 2000 | B. B. |

Bill No. C-071

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Adopt:

Official Plan Amendment No. 168

Respecting:

**LANDS LOCATED EAST OF LAKE AVENUE NORTH AND SOUTH OF STRAWBERRY DRIVE RIVERDALE EAST NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 168 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

**PASSED** this 10th day of October A.D. 2000

MUNICIPAL CLERK

MAYOR

(2000) 15 R.P.D.C., September 26
Hi-Tech Banking Facilities Incorporated, Owner
OPA-168

# Amendment No. 168

# to the

# City of Hamilton Official Plan

The following text together with Schedule "A" – Land Use Concept, and Schedule "B" – Special Policy Areas, attached hereto, constitutes Official Plan Amendment No. 168.

**Purpose:**

The purpose of this Amendment is to redesignate the subject lands from "Residential" to "Commercial", and to establish "Special Policy Area 85" for lands located east of Lake Avenue North and south of Strawberry Drive, to permit use of the lands only for a parking lot in conjunction with adjacent commercial uses.

**Location:**

The lands affected by this Amendment are located east of Lake Avenue North and south of Strawberry Drive.

**Basis:**

The basis for permitting the proposed parking lot for the adjacent commercial use is as follows:

1) The proposal implements the approved Riverdale East Neighbourhood Plan, which designates the subject lands "Commercial";

2) The proposal represents infill development on an irregularly shaped parcel of land, which would not be feasible for independent development;

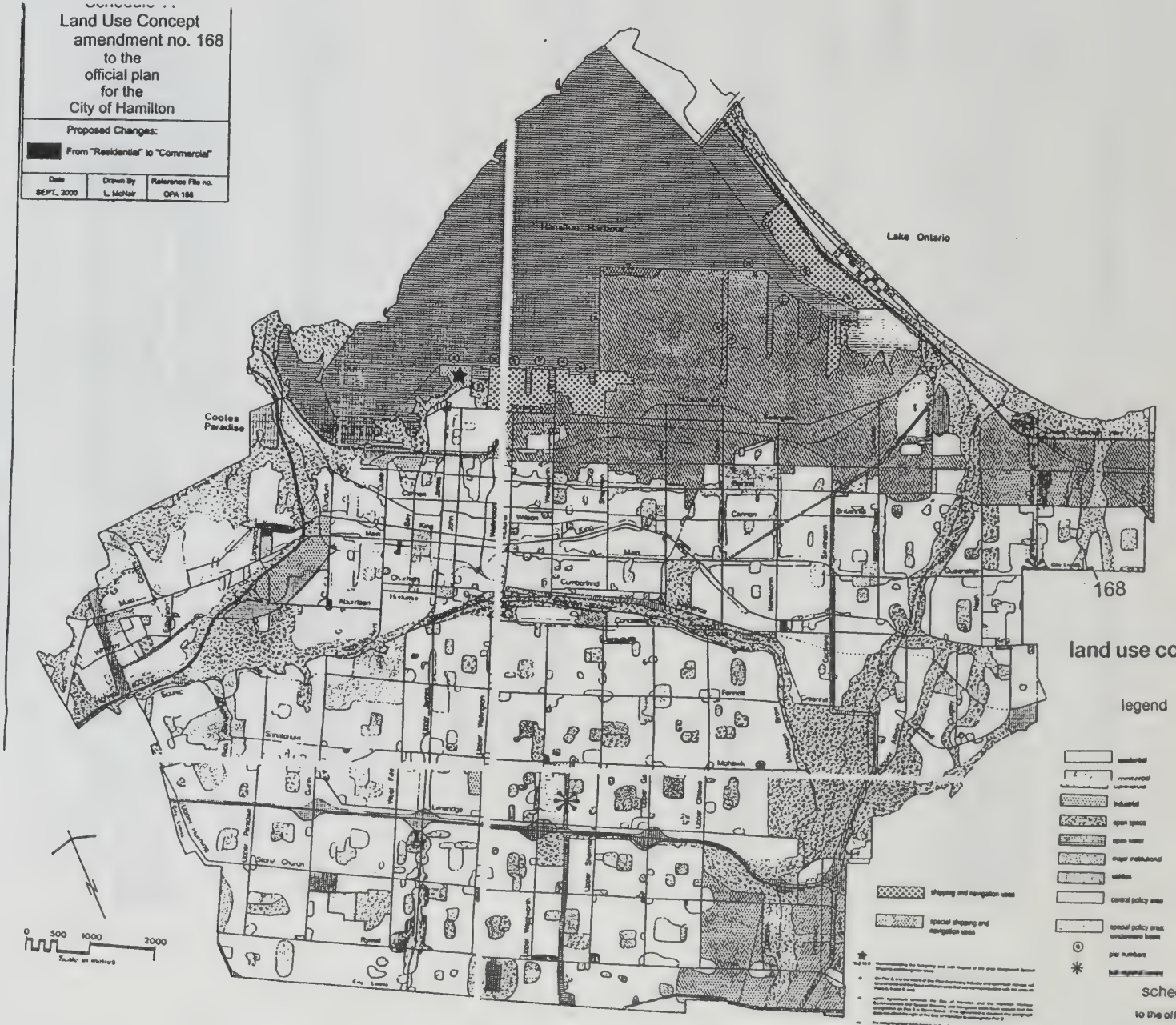
3) Access onto Strawberry Drive and Lake Avenue North will not be permitted for that portion of the subject lands located within the City of Hamilton; and,

4) The proposal is compatible with the surrounding land use pattern.

**Actual Changes:**

1) Schedule "A" – Land Use Concept – be revised by redesignating the subject lands, located east of Lake Avenue North and south of Strawberry Drive, from "Residential" to "Commercial", as shown on the attached Schedule "A" of this Amendment;

2) Schedule "B" – Special Policy Areas – be revised by adding the subject lands as


Land Use Concept
amendment no. 168
to the
official plan
for the
City of Hamilton
Proposed Changes:
From "Residential" to "Commercial"
Date
SEPT., 2000
Drawn By
L. McNair
Reference File no.
OPA 168
Hamilton Harbour
Lake Ontario
Cootes Paradise
168
land use concep
legend
schedule A
to the official plan

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED EAST OF LAKE AVENUE NORTH AND SOUTH OF STRAWBERRY DRIVE**

**WHEREAS** it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 168, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of the Planning Act.

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-125 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "G-3" – 'H' (Public Parking Lots – Holding) District, the land comprised in Block "1"; and,

(b) by changing from "C" (Urban Protected Residential, etc.) District to "G-3" – 'H' (Public Parking Lots – Holding) District, the land comprised in Block "2"; and,

(c) by changing from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" – 'H' (Public Parking Lots – Holding) District, the land comprised in Block "3",

the extent and boundaries of each of which Blocks "1", "2" and "3" are shown on a plan hereto annexed as Schedule "A".

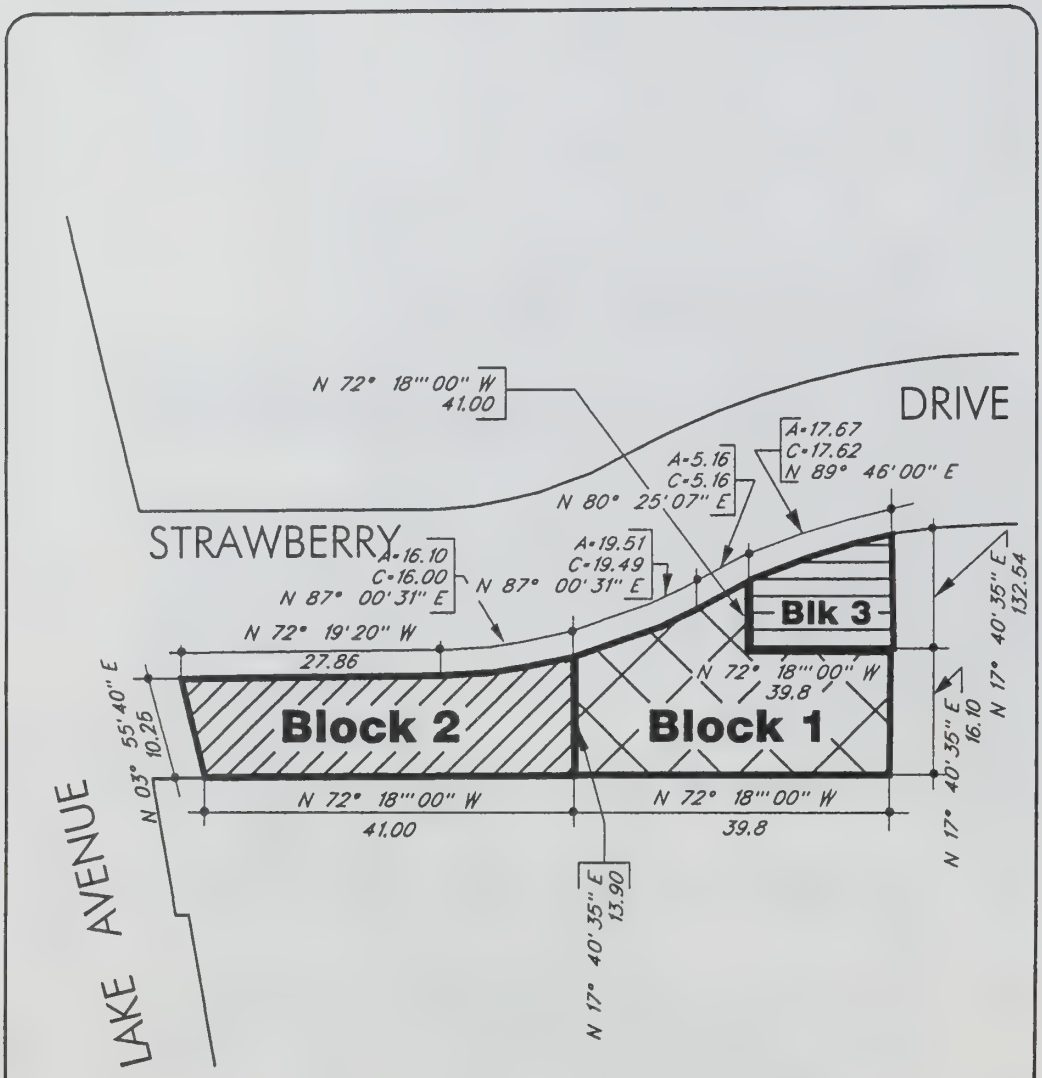
2. (a) The 'H' symbol applicable to the lands referred to in section 1 shall be removed conditional upon the applicant/owner applying for and receiving approval of a site plan control application for the use of the subject lands as a public parking lot; and,

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "G-3" District provisions.

3. The "G-3" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to the lands comprised in Blocks "1", "2" and "3", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 13C. (1) of Zoning By-law No. 6593, only a parking area in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek shall be permitted; and,

(b) no vehicular access to or egress from Lake Avenue North and Strawberry Drive shall be permitted; and,




This is Schedule "A" to By-Law No. 00 –.....
Passed the ..... day of ....., 00.

Clerk

Mayor

City of Hamilton

# Schedule "A"

Map Forming Part of By-Law No. 00-____

to Amend By-Law No. 6593

Community Planning and Development Division

**Legend**

**Block 1** Change in zoning from "AA" (Agricultural) District to "G-3"-'H' (Public Parking Lots – Holding) District.

**Block 2** Change in zoning from "C" (Urban Protected Residential, Etc.) District to "G-3"-'H' (Public Parking Lots – Holding) District.

**Block 3** Change in zoning from "C" (Urban Protected Residential, Etc.) District, modified, to "G-3"-'H' (Public Parking Lots – Holding) District.

| North | Scale | Reference File No. |
|---|---|---|
| | NOT TO SCALE | ZA-00-25 |
| | Date | Drawn By |
| | Sept., 2000 | B.B. |

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

**WHEREAS** the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

**AND WHEREAS** the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

**AND WHEREAS,** pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

**AND WHEREAS,** the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

**AND WHEREAS,** The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

**AND WHEREAS** the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

   (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and Municipal Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.

2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

SCHEDULE "A"
EXTENSION AGREEMENTS

| | | |
|---|---|---|
| 1) | PROPERTY ADDRESS | 84 FAIRFIELD |
| | SERIAL NUMBER | 04 03325 7970 |
| | REDEMPTION DATE | December 7, 2000 |
| 2) | PROPERTY ADDRESS | 223 TRAGINA N. |
| | SERIAL NUMBER | 004 03340 5340 |
| | REDEMPTION DATE | December 7, 2000 |
| 3) | PROPERTY ADDRESS | 77 GOLDEN ORCHARD |
| | SERIAL NUMBER | 08 09720 1395 |
| | REDEMPTION DATE | December 7, 2000 |
| 4) | PROPERTY ADDRESS | 94 MYRTLE |
| | SERIAL NUMBER | 03 02420 3080 |
| | REDEMPTION DATE | December 7, 2000 |
| 5) | PROPERTY ADDRESS | 22 STINSON |
| | SERIAL NUMBER | 03 02060 4210 |
| | REDEMPTION DATE | December 7, 2000 |
| 6) | PROPERTY ADDRESS | 81 ERIN |
| | SERIAL NUMBER | 05 03620 5090 |
| | REDEMPTION DATE | December 7, 2000 |
| 7) | PROPERTY ADDRESS | 368 WEIR N. |
| | SERIAL NUMBER | 04 03355 2800 |
| | REDEMPTION DATE | December 7, 2000 |
| 8) | PROPERTY ADDRESS | 229 EAST 28TH |
| | SERIAL NUMBER | 07 06760 5800 |
| | REDEMPTION DATE | December 7, 2000 |
| 9) | PROPERTY ADDRESS | 111 PEARSON |
| | SERIAL NUMBER | 06 07310 1688 |
| | REDEMPTION DATE | December 7, 2000 |
| 10) | PROPERTY ADDRESS | 932 BRUCEDALE E. |
| | SERIAL NUMBER | 06 06120 0730 |
| | REDEMPTION DATE | December 7, 2000 |
| 11) | PROPERTY ADDRESS | 14 EAST 7TH |
| | SERIAL NUMBER | 08 09030 2800 |
| | REDEMPTION DATE | December 22, 2000 |
| 12) | PROPERTY ADDRESS | 316 BARTON E. |
| | SERIAL NUMBER | 03 02150 0460 |
| | REDEMPTION DATE | December 22, 2000 |
| 13) | PROPERTY ADDRESS | 19 ORCHARD HILL |
| | SERIAL NUMBER | 01 00830 0990 |
| | REDEMPTION DATE | December 22, 2000 |
| 14) | PROPERTY ADDRESS | 772 UPPER PARADISE |
| | SERIAL NUMBER | 08 10610 6740 |
| | REDEMPTION DATE | December 22, 2000 |
| 15) | PROPERTY ADDRESS | 64 GAGE S. |
| | SERIAL NUMBER | 03 02630 5680 |
| | REDEMPTION DATE | OCTOBER 21, 2000 |

Bill No. D-040

**BY-LAW NO. 00 - 0**

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 10TH DAY OF OCTOBER, 2000.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 10th day of OCTOBER A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR


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